

City of Renton
Shoreline Master Program (SMP)
Response to Comments on the July 22, 2009, DRAFT SMP
October 9, 2009

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
General	Futurewise	09-14-09	<p>The draft Shoreline Master Program (SMP) has many good elements. Some of the key provisions, which we strongly support, are:</p> <p>The establishment of a comprehensive enhancement strategy for native vegetation along shorelines where existing development is already within the buffer. Maintaining native vegetation along the lake is needed to maintain terrestrial insects and detritus on lake organisms and fish and which is necessary to maintain the health of the fish populations in Lake Washington. Native vegetation also helps to filter pollution out of the runoff that enters the lake. Emergent vegetation along the lake’s shoreline can effectively reduce wave energy and property erosion. Native vegetation also reduces the number of unwanted geese on the shoreline, reducing their negative impact on properties along the lake.</p>	No response required.
General	Futurewise	09-14-09	<p>The most intact shorelines are protected with a Natural or Urban Conservancy designation. This will help protect them from adverse impacts.</p> <ul style="list-style-type: none">• Measures to protect Lake Washington as a Shoreline of Statewide Significance in the High Intensity environment.• The establishment of a comprehensive public access strategy for different shorelines reaches within the city.• Use of water-dependency strategy for Commercial uses.• The comprehensive treatment of transportation facilities of different types, including aviation.• The comprehensive treatment of utility facilities of different types.• The methods of dealing with transportation and utility facilities for individual projects that can have impacts similar to larger facilities. <p>However, we do have some significant concerns. Below we provide our recommendations to improve SMP.</p>	No response required.
	Ecology, Nightingale	09-30-09	<p>The Draft SMP includes innovative strategies for addressing non-conformities, buffers, and public access. SMP policies and regulations can be incorporated into both your Comprehensive Plan and the Renton Development Code. Adding the respective numbering scheme for the comprehensive plan elements and development code will add clarity to the overall SMP. Although some elements, such as the Section 2 Procedures will not be an integral part of the SMP, for consistency and completeness, the full SMP document should include all elements, with a note as to whether some elements are an integral piece of the SMP. Although the figures are not included in this early draft, the figures cited will be an important element of the draft SMP. The following is set of comments for the preliminary draft SMP now out for public comment.</p>	No response required.
General	Futurewise	09-14-09	<p>The Shoreline Management Act (RCW 90.58.020) has 3 policy statement paragraphs. However, these extremely important policy statements are not included in the actual policies and regulations of the draft SMP, and we recommend that they be included. It is very important that these principles be very visible in the SMP to ensure their consideration in implementation of the SMP. One of the most important statements is: “This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation</p>	<p>These policies are captured in the Introduction in Section 1.01.</p> <p>Repeating statutory language is not necessary.</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			and corollary rights incidental thereto.”	
General	Futurewise	09-14-09	Protection of the Channel Migration Zone is an important requirement of the SMP Guidelines for riverine shorelines. However, the draft SMP only addresses channel migration for residential uses in any significant way (at 7.09.01). It appears there are no maps for channel migration zones, even though they are required. Similarly, the CAO only addresses channel migration indirectly. Broader application of protection measures are needed for it – both in terms of uses that are inappropriate for locations in this ecologically sensitive and hazardous area, and in terms of shoreline modifications that can damage its functions.	As indicated in the Inventory/Characterization, there is currently no Channel Migration study for the Cedar River. Most of the Cedar River and all of Springbrook Creek meets the criteria in WAC 173-26-186(3)(b) “Within incorporated municipalities and urban growth areas, areas separated from the active river channel by legally existing artificial channel constraints that limit channel movement should not be considered within the channel migration zone.”
General	Futurewise	09-14-09	Renton has a number of Shorelines of Statewide Significance. Such special shorelines are to be protected by additional protection measures to accomplish the SMA policies in RCW 90.58.020. The draft SMP does so for the High Intensity environment (5.06) along Lake Washington, and does it well. However, such additional protections need to be provided for Shorelines of Statewide Significance in other locations and in other environments. We recommend developing a system to extend the protections currently in the draft SMP to all Shorelines of Statewide Significance. An area needing particular attention is the Lake Washington areas that are designated Residential.	Addressed in Section 3.03. The only SEWS in Renton are Lake Washington and very small portions of shorelands within 2000 feet of the Green River that are isolated from the river by intervening railroad tracks.
General	Futurewise	09-14-09	The shoreline environment maps are not available. Consequently it is not possible to comment on whether the environments are appropriate. The Shoreline Reach maps appear to be the intended as the basis for the shoreline jurisdiction and environment maps, since they map the 200 feet of land measured from the water. However, they have a problem if they are to be used as shoreline environment maps, because they don’t capture the open water areas (especially lake surfaces), floodplains and associated wetlands that may be much wider than area now mapped, yet these areas are also under the City’s shoreline jurisdiction. Because of this problem, property that is in such areas do not have a definitive environment designated, and owners looking at the map may be misled to believing that they are outside shoreline jurisdiction. Reviewers such as Futurewise are also unable to accurately understand how different shoreline areas are protected. It is equally important for staff members that are developing the SMP and those implementing it to understand how these areas are addressed, especially where environment boundaries change in these wide areas. While maps are only approximate depictions of conditions on the ground, the current mapping capabilities make the depiction of shoreline jurisdiction relatively easy and accurate. We recommend refining the shoreline maps to more accurately depict shoreline jurisdiction and shoreline environments.	The areas affected were described after each shoreline designation in an “Application” subsection. Maps are available with the 10-09-09 Public Hearing Draft. The extent of jurisdiction over floodplains, and associated wetlands are to be defined on a case by case basis since not all wetlands are mapped.
General	Halinen, David		With protection of shoreline ecological functions and values in mind, Chapter 173-26 WAC (State master program approval/amendment procedures and master program guidelines) repeatedly directs that local master programs include regulations ensuring that shoreline development cause no net loss of shoreline ecological functions. However, except to the extent necessary to avoid no net loss of shoreline ecological functions, Chapter 173-26 WAC does not direct that local master programs include regulations requiring shoreline restoration or enhancement in connection with shoreline development of private property.	No change made. While it is accurate that no net loss is one goal of the Shoreline Management Act and WAC 173-26, enhancement and restoration is specifically mentioned numerous times. The provisions of RCW 90.58.020 quoted by Halinen are preceded by the following unquoted sentence “It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to ensure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and <u>enhance</u> the public interest. Of specific interest is the purpose of the High Intensity Shoreline Environment in WAC 173-26-211(5)(d)(i) (in part) to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and <u>restoring</u> ecological functions in areas that have been previously degraded.

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
				WAC 173-26-241(3)(d) Master programs should prohibit nonwater-oriented commercial uses on the shoreline unless they meet the following criteria: (i) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and <u>ecological restoration</u> ; or 173-26-231(2)(f) Plan for the <u>enhancement of impaired ecological functions</u> where feasible and appropriate while accommodating permitted uses.
General	Halinen, David	09-11-09	An extensive reference is made to RCW 82.02.020 as relates to dedications in development and application in a variety of cases. See full text of comment for details.	We do not believe that the provisions of RCW 82.02 regarding dedication and fees are relevant to buffers established to protect specific ecological functions and required by the Shoreline Management Act and WAC 173-26. It is relevant to note that there is no case law applying the provision of RCW 82.02.020 in relation to buffers. It is also relevant to note that the case cited in relation to King County regulations did not challenge the buffers imposed by the county's Critical Area regulations which are generally greater than the proposed Vegetation Conservation buffers in the proposed SMP.
General	Brennen, Jerry	09-09-09	<p>At this critical time it is important to re-state some key points:</p> <ul style="list-style-type: none"> • Lake Washington is an urban lake which was forever altered with the construction of the ship canal and locks when the lake was lowered. • The lowering of the lake resulted in the creation of much of Renton's shoreline with bulkheads to contain the newly formed lots. • The Shoreline Management Act of 1972 and the existing Shoreline Master Program have served the city and public well with the resulting preservation of wetlands and the halting of non-water related overwater structures. 	<p>No revision made to the SMP.</p> <p>This comment is almost identical to those from Richard Sandaas submitted to the City of Kirkland on July 22, 2009, and in slightly different form in October 3, 2006, and February 7, 2009.</p> <p>This issue is addressed in WAC 173-26-201(2)(c) Nearly all shoreline areas, even substantially developed or degraded areas, retain important ecological functions. For example, an intensely developed harbor area may also serve as a fish migration corridor and feeding area critical to species survival. Also, ecosystems are interconnected. For example, the life cycle of anadromous fish depends upon the viability of freshwater, marine, and terrestrial shoreline ecosystems, and many wildlife species associated with the shoreline depend on the health of both terrestrial and aquatic environments. Therefore, the policies for protecting and restoring ecological functions generally apply to all shoreline areas, not just those that remain relatively unaltered.</p>
General	Brennen, Jerry	09-09-09	<p><u>Sound Science</u></p> <p>This remains the most significant issue that I believe is still open to discussion. I reviewed the scientific studies and reports that have been referred to and relied upon by the SMP update process. I enclose a report written by a Kirkland Shoreline owner & Ex –Metro executive Richard Sandaas who has spent much time evaluating the science much of the SMP changes are based upon.</p> <p>Of the many examples in his report, none is more graphic than the list of 13 unanswered questions that are contained in a literature review prepared by the Watershed Company for the</p>	<p>No revision made to the SMP</p> <p>This comment is almost identical to those from Richard Sandaas submitted to the City of Kirkland on July 22, 2009, and in slightly different form in October 3, 2006, and February 7, 2009.</p> <p>The Inventory/Characterization provides relevant scientific information in accordance with WAC 173-26-201(2)(a) [quoted in part]</p> <p>Use of scientific and technical information. To satisfy the requirements for the use of scientific and technical information in RCW 90.58.100(1), local governments shall incorporate the following two steps into their master program development and amendment process.</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			City of Bellevue in 2000. Some nine years later these remain unanswered, once again underscoring the lack of sound science. These questions are attached to his report.	<p>First, identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern. The context, scope, magnitude, significance, and potential limitations of the scientific information should be considered. At a minimum, make use of and, where applicable, incorporate all available scientific information, aerial photography, inventory data, technical assistance materials, manuals and services from reliable sources of science. ...</p> <p>Second, base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available. Local governments should be prepared to identify the following:</p> <p>(i) Scientific information and management recommendations on which the master program provisions are based;</p> <p>(ii) Assumptions made concerning, and data gaps in, the scientific information; and</p> <p>(iii) Risks to ecological functions associated with master program provisions. Address potential risks as described in WAC 173-26-201 (3)(d).</p>
General	Brennen, Jerry	09-09-09	<p>Another example is the problem that the <i>Chinook Conservation Strategy for WRIA 8</i> points out. With respect to the rise and fall of the lake it states “removing of bank hardening structures may not be sufficient to create sandy beaches”. Still another is the statement in the <i>Synthesis of Salmon Research and Monitoring</i> study which says “very few fish are found with cobble and larger substrates”. Yet in order for a beach to survive the wave exposure on the Renton shoreline it would have to consist of cobbles or rocks rather than the granular sand that the fish seem to prefer.</p> <p>I point out in his report that now is the time for policy makers to fully understand the extent and applicability of the body of scientific knowledge that exists and make a determination as to which pathway forward to follow, with four suggested options to consider. The fourth being to waive the scientific deficiencies and base the SMP updates on policies and regulations which would be focused mostly on aesthetics and a hopeful outcome for habitat improvement. It is an important choice to make and one that should be carefully deliberated.</p>	<p>No revision made to SMP</p> <p>This comment is almost identical to those from Richard Sandaas submitted to the City of Kirkland on July 22, 2009, and in slightly different form in October 3, 2006, and February 7, 2009.</p> <p>Large substrate such as cobbles on Renton shorelines result in some cases from the greater wave energy produced by vertical bulkheads.</p> <p>There are many cases in Renton where smaller substrate is present including along much of Gene Coulon Park, areas in the vicinity of Quendall Terminals, including both Barbee Mill and the Seahawks Training Facility, Bellevue’s Newcastle Beach Park, Seattle’s Seward and Magnuson Parks and numerous other locations.</p> <p>See also responses from Kirkland in:</p> <p>See the Kirkland’s response at</p> <p>http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/SMP+PC+01222009+Web.pdf</p> <p>http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/SMP+Sect+2.pdf</p> <p>http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/Attach+16-19+Web+SMP+PC+05082008.pdf</p>
General	Brennen, Jerry	09-09-09	<p><u>Attain measurable environmental benefits</u></p> <p>This issue has not been addressed. The environmental benefits are based on hypothesis. It has been suggested that the City of Renton should embark on pilot programs in city owned shoreline where the shoreline restoration called for in the regulations would be constructed thereby providing a pilot program to answer this and other questions such as feasibility, along with a true understanding of the costs involved.</p>	<p>No revision made to SMP</p> <p>This comment is almost identical to those from Richard Sandaas submitted to the City of Kirkland on July 22, 2009, and in slightly different form in October 3, 2006, and February 7, 2009.</p> <p>Generally speaking, enough information is available to develop reasonable and feasible regulations. Further monitoring of pilot programs is, however, a good idea.</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
General	Brennen, Jerry	09-09-09	<p><u>Feasible and practical</u> Bulkhead removal and shoreline landscaping are the standout issues here. Bulkheads exist along the shoreline for a key reason: they are necessary to contain the property that was developed with the lowering of the lake and which is exposed to significant storm impacts.</p> <p>The landscaping requirements are based on the premise that it will provide shading of the water along with falling debris from overhanging vegetation. Neither will result due to the setting and sun exposure of Renton’s shoreline. The shoreline has a western exposure so that there is little or no water shade possible from shoreline landscaping. Landscaping will have to be planted far enough away the OHWL to avoid being washed away by wind waves and boat wakes with the result that the trunks will be more than eight feet away from the waters edge. Even at this distance the root system would be vulnerable to erosion. The result is that to get any overhang at all, branches would have to be more than ten feet long. The shoreline landscaping requirements are not feasible, impractical, would not accomplish the intended result of shading and debris production, and unfavorably impact the property owner’s view corridor and use of the property.</p>	<p>No revision made to SMP</p> <p>This comment is almost identical to those from Richard Sandaas submitted to the City of Kirkland on July 22, 2009, and in slightly different form in October 3, 2006, and February 7, 2009.</p> <p>Bulkheads were developed in the past based on design criteria that often emphasized standard methods and materials. Until recently, there was little engineering impact of needed features or alternatives. Softer alternatives have been developed at numerous locations in Lake Washington, including some in Renton, most notably the restoration of the public aquatic lands adjacent to a portion of the Barbee Mill site. For other examples see http://www.cityofseattle.net/dpd/static/Green_Shorelines_Final_LatestReleased_D_PDS015777.pdf</p> <p>Summer sun angles at this latitude result in noon and afternoon sun angles well to the north of vertical which allow substantial shading through the morning and early afternoon. The sun angle in the late afternoon when shading is less effective also results in less solar energy reaching the surface because it passes through more layers of the atmosphere.</p> <p>Shoreline native vegetation does produce benefits of temperature reduction, debris, food chain support and reduction in discharge of chemicals to the water from lawn and landscape maintenance.</p> <p>See also responses from Kirkland in: http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/SMP+PC+01222009+Web.pdf http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/SMP+Sect+2.pdf http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/Attach+16-19+Web+SMP+PC+05082008.pdf</p>
General	Brennen, Jerry	09-09-09	<p><u>Cost effective</u> The SMP update process has never dealt with measurable results, cost impacts, or cost effectiveness. It is now time to do that before adopting the regulations. Are there other projects or improvements that could provide true environmental benefits? What about storm water runoff and non-point pollution? Addressing these issues would have far more beneficial impact on the lake than speculative benefits of landscaping and bulkhead removal. Would it not be better to spend money where the benefits are assured?</p>	<p>No revision made to SMP</p> <p>This is a comment is almost identical to those from Richard Sandaas submitted to the City of Kirkland on July 22, 2009, and in slightly different form in October 3, 2006, and February 7, 2009.</p> <p>There are a number of specific benefits of improvement to near shore habitat to a critical lifecycle stage of juvenile salmonids that relies on the nearshore. There is also evidence that the nearshore in the southern part of the lake, which includes Renton shorelines, may be more critical to Cedar River Chinook than more distant nearshore areas.</p> <p>There are also numerous other programs that benefit the resource, including restoration programs and stormwater management programs addressed in the Cumulative Impacts Analysis.</p> <p>See also responses from Kirkland in: http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/SMP+PC+01222009+Web.pdf</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
				http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/SMP+Sect+2.pdf http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/Attach+16-19+Web+SMP+PC+05082008.pdf
General	Brennen, Jerry	09-09-09	<u>Fair and equitable</u> The private shoreline owner will bear extraordinary costs over the time these regulations are in place. The upland owners bear responsibility for storm water runoff and non-point pollution, as does the city. Higher densities as driven by the Growth Management Act have resulted in significant increases in impervious surfaces along with increases in vehicle miles traveled within the city. These are impacting water quality in streams and Lake Washington. A program to deal with these issues and a way of financing should be adopted concurrently with the SMP update process.	No revision made to SMP This comment is almost identical to those from Richard Sandaas submitted to the City of Kirkland on July 22, 2009, and in slightly different form in October 3, 2006, and February 7, 2009. Testimony from David Douglass of Waterfront Construction before the Renton Planning Commission indicates that “soft” bulkhead installations are no more costly than standard vertical concrete or rock bulkheads. There are a wide range of programs including salmon recovery, floodplain management and stormwater management programs that benefit the Cedar River, Lake Washington and other watersheds that are addressed in the Cumulative Impacts Analysis.
General	Brennen, Jerry	09-09-09	<u>Not impose hardships; Not impose risks to property or homes</u> These criteria are embodied in Draft SMP and are of vital interest to all shoreline property owners. There are many unanswered questions about the risks imposed by bulkhead removal, the most important one being damage to a structure, although on-going land erosion also important.	No revision made to SMP This comment is almost identical to those from Richard Sandaas submitted to the City of Kirkland on July 22, 2009, and in slightly different form in October 3, 2006, and February 7, 2009. Softer alternatives have been developed at numerous locations in Lake Washington, and have functioned effectively. See http://www.cityofseattle.net/dpd/static/Green_Shorelines_Final_LatestReleased_D_PDS015777.pdf
General	Brennen, Jerry	09-09-09	<u>Avoid unintended consequences</u> By their nature, theses are not always possible to predict. One is the risk of impacting the integrity of the sewer interceptor pipes that lie along Renton’s shoreline by bulkhead removal and other alterations. Another is the impact on adjacent properties by bulkhead removal and alternations on a single property in between. If erosion occurs, or structures are impacted, what is the remedy? Who is liable? The regulations attempt to deal with this by requiring a transition to adjacent properties, but would this really be effective?	No revision made to SMP Impacts to in-water sewers are a risk on any in-water work in the vicinity, including shore stabilization and docks. The management of these risks has been largely successful since the sewers were installed in the 1960s. New bulkheads require analysis by qualified professionals to address impacts on adjacent properties.
General	Brennen, Jerry	09-09-09	<u>Flexible</u> The development of Renton’s residential and commercial shoreline over the years has resulted in a wide variety of configurations and settings which makes a “one size fits all” approach impractical. That approach likely would constrain innovative approaches. It also has the potential of discouraging a number of redevelopment projects with the resulting deterioration of housing stock. Mr. Dave Douglas of Waterfront Construction has provided numerous comments on this topic, particularly as it pertains to piers and bulkheads. Other areas of concern with a need for a flexible approach are set-backs, structure footprints, and landscaping. Much work has gone into the SMP update process involving countless hours of Renton Planning Commission members, staff, and consultants and this should be recognized. However the questions and issues outlined in this letter are very important to shoreline property owners and I urge you to address them. And, please keep in mind the reality mentioned at the beginning of this letter and build on that.	No revision made. Many provisions of the proposed SMP have been developed based on specific information in the Inventory/Characterization and in some cases providing performance criteria allowing flexibility in providing appropriate solutions for specific sites.

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
General			<p style="text-align: center;">SHORELINE MASTER PROGRAM UPDATES</p> <p style="text-align: center;">SCIENCE AND GREEN SHORELINES</p> <p>Prepared by Richard Sandaas Shoreline Property Owner Chair, SPOCA, Shoreline Property Owners and Contractors Association March 10, 2009 eride@msn.com</p>	<p>This is a comment from Richard Sandaas submitted to the City of Kirkland October 3, 2006, February 7, 2009, and July 22, 2009.</p> <p>See the City of Kirkland’s response at http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/SMP+PC+01222009+Web.pdf http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/SMP+Sect+2.pdf http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/Attach+16-19+Web+SMP+PC+05082008.pdf</p>
General	Nightingale, Barbara	09-30-09	The Draft SMP includes innovative strategies for addressing non-conformities, buffers, and public access. SMP policies and regulations can be incorporated into both your Comprehensive Plan and the Renton Development Code. Adding the respective numbering scheme for the comprehensive plan elements and development code will add clarity to the overall SMP. Although some elements, such as the Section 2 Procedures will not be an integral part of the SMP, for consistency and completeness, the full SMP document should include all elements, with a note as to whether some elements are an integral piece of the SMP. Although the figures are not included in this early draft, the figures cited will be an important element of the draft SMP.	To be addressed in further discussion with Ecology.
Chapter 2	Nightingale, Barbara	09-30-09	Section 2 Assuming the rationale for not including this particular section on procedures is to keep in code those parts of the SMP that become part of the permit regulations and processes and, therefore, can change as procedures change, without requiring an amendment to the SMP (i.e. fee and process changes that are not SMP substantive changes), the department recommends, for ease of reading and document continuity, that such administrative procedures be included in the text of the SMP but have a qualifying statement at the beginning of the SMP and perhaps each applicable chapter explaining clearly to the reader that this section of the SMP (i.e. Section 2 Procedures, etc.) is separate from the SMP.	To be addressed in further discussion with Ecology.
3.04	Nightingale, Barbara	09-30-09	Section 3. 04 Geographic Environments: The description of Geographic Environments focuses on uses. Rather than use environments, why not refer to them as Environment Designations, as Environment Designations are different than Use Designations. Yes, the Environment Designations definitely relates to uses as it is the level of present use that has likely brought a particular shoreline area to its present state and the Environment Designation will be closely tied to what present and future uses are allowed along a shoreline segment. However, it is still more than “uses”. The ecology of the shoreline should be the criteria of the Environment Designation scheme. The present ecology is directly tied to the ability of shorelines to provide for particular uses. The wording of the present Draft SMP does not really call this out in the Environment Designation system section.	Changed to “Overlay Districts” consistent with the structure of the Development Code.
4.01.02.A.3	G. High	08-18-09	4.01.02.A.3 is deleted. This seems a potentially major change in policy. What is the specific reasoning/policy that underlies the proposed change? Previous Text: Planning, zoning, capital improvements and other policy and regulatory standards should not increase the density or intensity of shoreline uses or activities except on a demonstrated need considering the shorelines and then only in accordance with the policies contained herein.	This policy is deleted in recognition that the Comprehensive Plan provides the overall guidance for the intensity of land use within the city.
Table 4.04	Muckleshoot	09-18-09	3. Page 18, Table 4.04- While it may be desirable to have public access on both sides of the Cedar River along	This policy represents one of many cases where it is necessary to balance competing

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
	Tribe		Reach A, the current public access trails along the Cedar River within Renton tend to preclude the establishment of vegetation and the potential relocation of levees that should be set back to allow wood placement and pool formation in the lower Cedar. Also, salmon (specifically sockeye and some Chinook) spawn in the lower 4 miles of the Cedar River. The SMP needs to protect existing spawning habitat and maintain/create shaded holding pools for adult salmon that seek to migrate to upstream areas.	interests of ecological preservation and restoration, public access and water dependent uses.
Table 4.04	Muckleshoot Tribe	09-18-09	4. Page 18, Table 4.04 -We agree that the existing trail should be relocated further from the water's edge to allow revegetation and potential levee setbacks as part of future public park and river maintenance plans for Reach B of the Cedar River.	No response needed
Table 4.04	Nightingale, Barbara	09-30-09	Section 4.04.The public access objectives by reach table 4.04 is an excellent comprehensive approach to public access planning that can accommodate to private property issues and serve the preferred comprehensive approach to satisfying the SMA public access requirements. Per WAC 173-26-221(4)(c) “local governments should plan for an integrated shoreline area public access system that identifies specific public needs and opportunities to provide public access. Such a system can often be more effective and economical than applying uniform public access requirements to all development.” Your approach to public access is the best I have seen towards that goal.	No response needed
22, 4.05.02(E)	Muckleshoot Tribe	09-18-09	5. Page 22, 4.05.02(E)-This policy could lead to a loss of shallow water habitat needed for juvenile salmon survival in Lake Washington and spawning habitat for adult salmon in the Cedar River to accommodate recreation. Both types of habitat are needed to restore salmon populations in these waterbodies. It should be modified to exclude Lake Washington and the Cedar River.	No revision made. This policy specifically calls for public access to and along the water's edge to be located, designed, and maintained in a manner that protects the natural environment and shoreline ecological functions ... Potential impacts on shallow-water habitat is one of the ecological functions to be addressed.
4.06.02(E)	Muckleshoot Tribe	09-18-09	6. Page 23, 4.06.02(E) - Marinas should be limited to commercial and industrial areas.	No revision made. This policy limits boating facilities, other than marinas to commercial and industrial areas. Marinas are addressed in 7.05. Since multi-family and some shared moorage are regulated as a marina, it is not practical to limit marinas to only commercial and industrial.
4.08.02	Muckleshoot Tribe	09-18-09	7. Page 24, 4.08.02- With respect to the proposed Shoreline Restoration Program, we may have comments once the details are developed.	No response needed.
Section 5	Muckleshoot Tribe	09-18-09	8. Page 25, Section 5 Geographic Designations- The SMP needs maps showing where the proposed designations would occur. We may have additional comments once the maps are completed.	A verbal description of reaches to which the various designations would be applied is provided for each designation.
5.02	High, G	08-18-09	5.01 Suggest this for last sentence in Shoreline Environments/Overlay Districts: “In addition, specific regulations are provided for individual reaches of the water bodies with unique ecological, land use, public service, public access and other opportunities and constraints.	Minor Revision
Chapter 5	Futurewise	09-14-09	Some environments in the draft SMP incorporate the zoning ordinance as use provisions. We recommend against this. Referencing or not referencing the zoning ordinance does not change its validity, and referencing it makes it part of the SMP, which greatly complicates its review by Ecology and requires their approval of the zoning ordinance.	This will be resolved in consultation with Ecology.
Chapter 5	Futurewise	09-14-09	The proposed use provisions are perhaps the most troubling aspect in the draft SMP, which	No revision made.

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			<p>leaves serious doubts that it complies with the use provision requirements in the SMP Guidelines. Use provisions use an extremely antiquated system of determining allowed uses.</p> <p>Use provisions are mainly placed in each environment, but also placed in the different development-type subjects (commercial, docks, fill, etc.), and even in the general development standards and other locations. In addition, the use provisions only cover limited types of development, not all of them. And they do not cover the range of possibilities within each development type. It is a system used in many old SMPs that has resulted in degradation for 30 years throughout the state.</p> <p>The primary downfall of the system is that it doesn't cover all the different land use possibilities, nor does it address land uses with consistency in different environments. In addition, there are almost no uses that are prohibited. Since use that is not prohibited can be approved (and usually will be) as a conditional use, all the uses not covered in the SMP are allowed by default rather than by careful consideration. Furthermore they will often be subject to fewer regulations than the uses that are addressed by the SMP (which often have detailed development standards), even though they can be much more detrimental to shorelines. The result is a system that cannot protect shorelines from uses that are inappropriate for particular areas, especially those that have inherent impacts unsuitable for shoreline environments. This is particularly a concern for the Urban Conservancy, Aquatic, and Natural environments. The Urban Conservancy is the only environment that actually says something is not allowed or prohibited. But these instances are few and still inadequate to protect shorelines. The Aquatic environment does not even include use limits and development regulations, like the other environments do.</p> <p>Similarly, the SMP modifications do not have any environment limits for where they are appropriate or not appropriate. Consequently all modifications are allowed everywhere. Again, this is a particular concern for the Urban Conservancy and Natural environments. Neither does the SMP address when more intensive modifications need more careful review through a conditional use permit. An example of this is Stream Alterations. While the Stream Alterations subsection includes several prohibitions, it otherwise allows alterations for any other purpose. Such an approach is inappropriate. The section needs to be limited to water-dependent uses and facilities, such as diversion dams, stream crossings, swimming facilities, etc. Furthermore this concept needs to be applied to all modifications, such that modifications in the water are only for water-dependent uses and facilities.</p> <p>On a side note, SMP Guidelines have a particular structure that groups shoreline uses together and shoreline modifications together. The draft SMP uses these same groupings, but mixes the different uses and modifications in different groupings. In addition, some uses and modifications listed in the SMP Guidelines are missing from the draft SMP. Thus, for example:</p> <ul style="list-style-type: none"> • The modification Piers and docks is found in the shoreline uses group • The use In-Stream Structures is found in the modifications group • Boat Launching Ramp is a type of modification, but is placed in the uses group • The modification Breakwaters, Jetties, Groins, and Weirs is not addressed -it could be placed with shore stabilization or its own subsection. 	<p>Use provisions of the underlying zoning are generally appropriate outside the Vegetation Conservation buffer defined in Section 8.01 that is generally 100 feet in depth, but may be varied for water-dependent uses and water-oriented use.</p> <p>It is appropriate in an urban area for the full range of urban uses, including nonwater-dependent uses to be located outside of the Vegetation Conservation buffer.</p> <p>The use preference in Section 6.03 overlays and takes precedence over the zoning, for uses at the land/water interface. In addition, Tables 6.06 and 8.01 provide guidance as to the appropriate public access and vegetation conservation appropriate for different shoreline reaches</p> <p>Section 5.09.01.C limits uses in the Aquatic Overlay District to water-dependent uses and a limited range of water-oriented uses are allowed in the Aquatic Overlay, subject to provision of shoreline ecological enhancement and public access.</p> <p>The inclusion of piers and docks and boat launching ramps in the use section of the code is appropriate because they represent a use of the land for a specific purpose involving a variety of potential activities and are not merely a modification that can serve a variety of uses, such as a shoreline stabilization structure.</p> <p>Jetties, groins, and weirs are addressed in 8.04.02.M. Shoreline stabilization on streams</p>
Chapter 5	Futurewise	09-14-09	<p>We recommend:</p> <ol style="list-style-type: none"> 1. If the different types of development are to be grouped into Uses and Modifications, that the contents of the groups match the SMP Guidelines. 	<p>No revision made.</p> <p>Uses and modification categories in the Draft Renton SMP generally follow the structure of</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			2. The SMP should use a Use and Modification Table, and that the use limits be moved to it. This approach is being used by most jurisdictions thus far. The uses and modification entries would be cross-referenced with the shoreline environments by indicating whether the use or activity is permitted, requires a conditional use permit, or that it is prohibited. Tables allow careful consideration of the different entries, and allow comparisons between entries and across environments to ensure consistent and logical treatment of the different uses, activities, and modifications.	173-26-231 Shoreline modifications, and 173-26-241 Shoreline uses. The major difference is the inclusion in 173-26-231 of Piers and docks and the inclusion in 173-26-241 of “Boating facilities”. The WAC does not include boat launches as a separate use.
Chapter 5	Futurewise	09-14-09	3. If a table is not used, then the different types of development need to have use limits provided for them that carefully consider the range of possibilities within them. In doing so, we recommend using categories rather than trying to call out specific uses and modifications, so that all possibilities will fall within one of the categories. This is best done in the sections for the different types of development rather than being placed in the sections for the different environments.	No revision made. The use of zoning categories currently employed by Renton allows for greater consistency of administration since the vast majority of non-single-family parcels straddle the shoreline jurisdiction line. The approach of providing vegetation conservation buffers with the potential for water dependent use at the land/water interface addresses the goals of the Shoreline Management Act
Chapter 5	Futurewise	09-14-09	4. The concept of intensity needs to be introduced to deal with the point that some types of development may be acceptable in some environments if they are of low intensity. This is particularly needed for the Natural and Urban Conservancy environments, which are specifically intended in the SMP Guidelines to be reserved for the lower intensity uses. Without such limits, these areas will eventually be degraded so that there is a loss of shoreline functions, which is prohibited by the SMP Guidelines.	No revision made. Intensity of use is addressed for the Natural and Urban Conservancy Environment in Sections 5.02 and 5.03. For other Shoreline Overlay Districts, intensity is addressed largely in Table 6.09. Vegetation conservation buffers are the major tool by which shoreline ecological functions are addressed and protected.
Chapter 5	Futurewise	09-14-09	5. Be sure that if a category of uses or modifications is allowed or not addressed (such as Agriculture and Forest Practices), that there are development standards included to cover those uses. Otherwise, you should state that they are prohibited. The issues we have raised make the draft SMP contrary to the intent of the Shoreline Management Act and the SMP Guidelines, which is to base allowed uses and conditional uses on whether they are suitable for the environment. We strongly recommend you look at the use provision systems developed by other cities. The Thurston Regional Planning Council and Jefferson County have developed systems that you might find useful.	No revision made Except for the Natural and Urban Conservancy Shoreline Overlay Districts, a range of urban uses as provided in the zoning code is appropriate for other overlay districts, subject to use preferences for the land/water interface, and vegetation conservation buffers
5.02.01(C)(3)	Muckleshoot Tribe	09-18-09	9. Page 25, 5.02.01(C)(3), Designation of the Natural Environment Overlay District- This policy would allow floodway management structures within 200 feet of Natural Environment areas as a conditional use. Instead, new floodway management structures should be located outside of the 200 feet regulated shoreline management areas within the natural environment designations because they will likely result in adverse site specific and cumulative impacts. Floodway management structures would permanently reduce or eliminate existing floodway functions or riparian areas, and/or preclude the restoration of these areas in this designation.	No revision made. There is currently a flood management structure, the Black River Pumping Station within the area designated “Natural”.
5.03.02(B) f	Muckleshoot Tribe	09-18-09	10. Page 27, 5.03.02(B), Use Regulations in the Urban Conservancy Environment Overlay District- This policy appears to be outdated and should be modified. The Shoreline Management Act WAC 173- 26-24 i (3)(b) identifies aquaculture as an activity of statewide interest. These regulations do not identify it as such. There may be a need to construct small scale finfish facilities such as egg boxes or other measures to propagate or assist in salmon propagation. This should be an allowed use in this designation.	Aquaculture has been added to the “Aquatic” environment.
5.03.02(B) l	Muckleshoot Tribe	09-18-09	11. Page 27, 5.03.02(B), Use Regulations in the Urban Conservancy Environment Overlay District- This section should include scientific devices (i.e. fish traps or water quality monitoring equipment) as an allowed use in this designation. Scientific devices and monitoring equipment should be allowed in all the designations and overlays as allowed uses where they may be needed.	Revised to include scientific devices and monitoring equipment in all designations in Section 6.03.
5.03.02(D)(2)	Muckleshoot Tribe	09-18-09	12. Page 28, 5.03.02(D)(2)(e), Parking Areas- Parking areas should be located outside of the regulated shoreline jurisdiction for both allowed and conditional uses.	No revision made.

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
(e) ⁷				The Conditional Use process, together with criteria in Section 7.10.04 will assure compatibility with Urban Conservancy ecological processes.
5.03.02(F) ⁷	Muckleshoot Tribe	09-18-09	13. Page 28, 5.03.02(F), Local Service Utilities- Major utilities and roads should all be located outside of the shoreline regulated jurisdiction as much as possible and where these structures cannot be located outside. of the shoreline jurisdiction, then they should be required to fully mitigate for their impacts, including the permanent loss of functional riparian areas due to restrictions on establishing trees for safety and operational reasons.	Avoidance criteria in Section 7.11 cross referenced.
5.04.02(C)	Muckleshoot Tribe	09-18-09	14. Page 29, 5.04.02(C) Allowed Uses- K-12 Schools should not be allowed within the regulated shoreline jurisdiction within the Single Family Residential overlay as they are not water dependent or water oriented, generally large-scaled and will cause adverse impacts to existing vegetation and reduce opportunities to restore vegetation within the regulated shoreline jurisdiction.	No revision made. This provision applies only to existing schools.
5.04.03(B)(4)	Muckleshoot Tribe	09-18-09	15. Page 30, 5.04.03(B)(4), Conditional Uses, Public over-water trails should not be allowed within the regulated shoreline jurisdiction under any environmental designations because they create fill within the waterway, limit restoration opportunities, and are a source of noise and light that will likely increase predation on juvenile salmon dependent on Cedar River and Lake Washington.	No revision made. This policy represents one of many cases where it is necessary to balance competing interests of ecological preservation and restoration, public access and water dependent uses.
5.04.03(E)	Muckleshoot Tribe	09-18-09	16. Page 31, 5.04.03(E), Conditional Uses, Roads and Driveways not providing direct access to permitted primary uses and Helipads should not be allowed within the regulated shoreline jurisdiction under any environmental designations because they can result in permanent loss of shoreline functions and adversely affect salmon habitat.	No revision made. Sometimes it is necessary for roads that serve general circulation to cross shorelines jurisdiction The city has previously made a policy decision to allow helipads. Revised to prohibit within buffer areas
5.05.01	Nightingale, Barbara	09-30-09	5.05.01 MULTI-FAMILY RESIDENTIAL SHORELINE ENVIRONMENT OVERLAY DISTRICT. Add D. Multifamily and multi-lot residential and recreational development should provide public access and joint use for community recreational facilities.	
5.05.02	Muckleshoot Tribe	09-18-09	17. Page 31, 5.05.02, Multifamily Allowed Uses, This section will allow many non-water dependent uses to be constructed within the regulated shoreline jurisdiction without a requirement that impacts be mitigated and there is no-net loss of shoreline functions. It should be modified accordingly.	This section has been deleted. Multi-family areas are now proposed to be regulated as “High Intensity” All development is required to meet the no net loss standard by General Development Standards in Section 6.04.
5.06.2 (2)	Rosenthal, Gabriel S	09-14-09	Section 5.06.2 (2) - Last line should read “...to allow access to persons not living on or near the shoreline....”	Revised
5.06.03(D)	Muckleshoot Tribe	09-18-09	18. Page 35, 5.06.03(D), Management policies- Public access should be required to be set back from restored areas with limited areas of access to the water's edge on Lake Washington.	No revision made. Public access standards in 6.06.02.D.1 provide for setbacks from vegetated open space
	Rosenthal, Gabriel S	09-14-09	Section 5.07.01 A - High Intensity Designation for Springbrook Creek, etc. The first sentence of subsection A should be revised as follows: “The objective of the High Intensity Overlay on the Cedar River <u>and Springbrook Creek</u> is to provide....”	Revised to provide a single “High Intensity” overlay district.
	Rosenthal, Gabriel S	09-14-09	Section 5.07.01 C - High Intensity Designation for Springbrook Creek, etc. The first sentence of subsection C should be revised as follows: “The variety of uses allow by the Renton Development Code shall be allowed in the <u>Cedar River and Springbrook Creek High Intensity Overlay</u> area, provided....”	Revised to provide a single “High Intensity” overlay district.
5.07	Halinen,	09-11-09	An extensive reference is made to RCW 82.02.020 as relates to dedications in development and application in	No revision made.

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
	David		a variety of cases.	We do not believe that the provisions of RCW 82.02. regarding dedication and fees are relevant to buffers established to protect specific ecological functions and required by the Shoreline Management Act and WAC 173-26. It is relevant to note that there is no case law applying the provision of RCW 82.02.020 in relation to buffers. It is also relevant to note that the case cited in relation to King County regulations did not challenge the buffers imposed by the county’s Critical Area regulations which are generally greater than the proposed Vegetation Conservation buffers in the proposed SMP.
5.07	Halinen, David	09-11-09	AnMarCo Request No 1 refers to WAC 173-26-211(5)(d)(ii)(A) (A) In regulating uses in the "high-intensity" environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Nonwater-oriented uses should not be allowed except as part of mixed use developments. Nonwater-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in shoreline use analysis or special area planning, as described in WAC 173-26-200 (3)(d). AnMarCo hereby requests appropriate shoreline analysis or special area planning relating to nonwater-oriented uses on the Old Stoneway Site.	No change made. Appropriate uses on the shoreline have been addressed in the planning process in Technical Memoranda reviewed by the Planning Commission including: <ul style="list-style-type: none"> • Shoreline Inventory and Characterization (without maps) • Regulatory Approach Options Overview Memo • Regulatory Approach Options Specifics Memo • Public Access Options Memo • Ecological Opportunities and Constraints Memo • Economic Demand for Water Dependent Uses Memo All are available at: http://rentonwa.gov/business/default.aspx?id=15508 Appropriate regulations involve balancing a variety of goals including economic development, water-dependent uses, public access, and ecological restoration. In addition, the provisions of the draft code reflect the specific direction in WAC 173-26-241(3)(d). Master programs should prohibit nonwater-oriented commercial uses on the shoreline unless they meet the following criteria: (i) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological <u>restoration</u> ... [emphasis added]
	Halinen, David	09-11-09	The second reference to AnMarCo’s Request No 1 is revision of the following: 5.07.01 <u>Designation of the High Intensity – Cedar River , Springbrook Creek:</u> A. <u>Objective:</u> The objective of the High Intensity Overlay on the Cedar River is to provide opportunities for large-scale office and commercial uses; <u>mixed use commercial office and residential developments where underlying zoning is COR under RMC 4-2., and industrial employment centers consistent with the Comprehensive Plan for specific areas. Each future development should protect and preserve existing ecological functions and restore ecological functions in areas that have been previously degraded should mitigate project impacts by restoring or enhancing shoreline ecological functions to the extent necessary to assure that each development project will cause no net loss of shoreline ecological functions.-</u>	No revision made. The reference to “mixed use” development in WAC 173-26 refers to a mix of non-water dependent and water dependent uses as provided in WAC 173-26-241(3)(d) The use is part of a mixed-use project that includes water-dependent uses ... The reference to “mixed use” in the SMP should not be construed to include any mix of uses. The proposed revision to limit restoration and enhancement to “no net loss” is inconsistent with the intended scope of the following provisions of the Shoreline Guidelines WAC 173-26-211(5)(d)(i) to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
				and <u>restoring ecological functions in areas that have been previously degraded.</u> WAC 173-26-241(3)(d) Master programs should prohibit nonwater-oriented commercial uses on the shoreline unless they meet the following criteria: (i) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and <u>ecological restoration</u> ... [emphasis added]
5.07.01.A	Rosenthal, Gabriel S	09-14-09	Section 5.07.01 A - High Intensity Designation for Springbrook Creek, etc. The first sentence of subsection A should be revised as follows: “The objective of the High Intensity Overlay on the Cedar River <u>and Springbrook Creek</u> is to provide....”	Revised to provide a single High Intensity Overlay District.
5.07.01.C	Rosenthal, Gabriel S	09-14-09	Section 5.07.01 C - High Intensity Designation for Springbrook Creek, etc. The first sentence of subsection C should be revised as follows: “The variety of uses allow by the Renton Development Code shall be allowed in the <u>Cedar River and Springbrook Creek High Intensity Overlay</u> area, provided....”	Revised to provide a single High Intensity Overlay District.
	Futurewise	09-14-09	The regulations for High Intensity – Isolated Lands (5.08.01 B.) – say that development standards in Section 7 don’t apply. Section 7 contains all the regulations for different types of uses, such as commercial and industrial uses (including the water-dependency requirements), launch ramps, piers, and docks. This is an inappropriate waiver of important development standards governing specific uses. It needs to be reversed.	No revision made. These lands are isolated from the water and cannot provide water-dependent uses.
5.09.02(D)	Muckleshoot Tribe	09-18-09	19. Page 37, 5.09.02(D), Aquatic shoreline management policies- Critical saltwater areas do not exist within Renton.	Deleted
	Futurewise	09-14-09	We recommend: 1. If the different types of development are to be grouped into Uses and- Modifications, that the contents of the groups match the SMP Guidelines. 2. The SMP should use a Use and Modification Table, and that the use limits be moved to it. This approach is being used by most jurisdictions thus far. The uses and modification entries would be cross-referenced with the shoreline environments by indicating whether the use or activity is permitted,, requires a conditional use permit, or that it is prohibited. Tables allow careful consideration of the different entries, and allow comparisons between entries and across environments to ensure consistent and logical treatment of the different uses, activities, and modifications.	The reliance on the criteria for water-oriented uses in conjunction with the allowed uses in zoning works well for the complexity of future high intensity zoning in Rento.
6.04.01	Muckleshoot Tribe	09-18-09	21. Page 39, 6.04.01, No Net Loss of Ecological Functions- All Shoreline use and development should be required to prevent or mitigate adverse impacts so that the resulting ecological condition does not become worse than the current condition and should restore shoreline functions to the fullest extent possible.	No revision made. No net loss is addressed in 6.04.01.
6.04.02	Muckleshoot Tribe	09-18-09	22. Page 39, 6.04.02, No Net Loss of Ecological Functions- When assessing the potential for net loss of ecological functions or processes, project-specific and cumulative impacts must be considered and fully mitigated.	Revised to add mitigation.
	Futurewise	09-14-09	Sections 7.09 & 6.03 state that residential uses are “preferred” uses. Please note that the SMA policy statements in RCW 90.58.020 states that preferred uses are those consistent with “control of pollution and prevention of damage to the natural environment” (note that <u>prevention of damage</u> is not the same as mitigation of impacts), or uses that are “unique to or dependent upon use of the state's shoreline” (water-dependent/related). This does not include Residential uses. The SMA states that “Alterations of the natural	Revised slightly.

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures”, public access, and water-dependent uses. Thus, residential uses are not automatically appropriate.	
6.03(2)	Muckleshoot Tribe	09-18-09	20. Page 38, 6.03(2), Use Preference- Single family residences built within the regulated shoreline jurisdiction should be required to ensure no-net loss of ecological functions.	No revision made. No net loss is addressed in 6.04.01.
6.04.01	Muckleshoot Tribe	09-18-09	21. Page 39, 6.04.01, No Net Loss of Ecological Functions- All Shoreline use and development should be required to prevent or mitigate adverse impacts so that the resulting ecological condition does not become worse than the current condition and should restore shoreline functions to the fullest extent possible.	No revision made. This section provides this standard.
6.04.02	Muckleshoot Tribe	09-18-09	22. Page 39, 6.04.02, No Net Loss of Ecological Functions- When assessing the potential for net loss of ecological functions or processes, project-specific and cumulative impacts must be considered and fully mitigated.	No revision made. Addressed in 6.04.01.
6.04.03	Futurewise	09-14-09	The Critical Areas Ordinance is adopted into the SMP to protect shorelines. However, the CAO is specifically written to exclude designated lake and river shorelines, which are to be covered by the old SMP (see RMC 4-3-050(B)(1)(j)). This has two contrary consequences of particular concern: 1. The CAO has extensive development standards that protect the smaller lakes and streams outside shoreline jurisdiction, but no equivalent standards are found in the SMP to protect the larger shoreline designated lakes and streams. This is contrary to state law requiring critical area protection measures within shoreline jurisdiction to be least as protective as those outside shoreline jurisdiction.	No revision made. Section 6.04.03.1 provides for the CAO to apply to Category 2-5 streams and lakes with Shoreline jurisdiction.
6.04.03	Futurewise	09-14-09	2. By adopting the CAO into the SMP for non-shoreline designated lakes and streams, they will be protected at a higher level than the actual shoreline lakes and streams. The method of incorporating the CAO needs to be rethought in order for those protection measures to apply to the SMP. We recommend one of the following: A. Referencing the appropriate sections or subsections in the CAO into the equivalent sections of the SMP (rather than using a blanket reference), or B. Copying the needed standards of the CAO into the SMP.	No revision made. Buffers greater than those provided for Category 2-5 streams and lakes in the CAO are provided for water bodies within Shoreline jurisdiction by Vegetation Conservation buffers in Section 8.01 and use and modification requirements in Chapters 7 and 8.
6.04.03	Futurewise	09-14-09	Even aside from the issue of CAO integration, the CAO as a whole does not provide adequate protection for shorelines. An incredible number of uses and activities (many pages worth; RMC 4-3-050(C)(5-7)) are allowed in both the actual critical areas and their buffer as exempt development. There are specific statements, such as at RMC 4-3-050(C)(5), that activities are exempt from any of the protection measures and review process in the CAO Section of the Renton Municipal Code (text is provided under Wetlands discussion below). Such uses and activities are not exempt from shoreline review under the shoreline exemptions, yet the CAO protection measures will not be used to protect shoreline resources in these cases. Uses and facilities that aren’t dependent on being close to the water should not be allowed in critical areas or their buffers. We recommend changes to the CAO buffer and exemption systems such that uses and activities allowed in critical areas and critical areas buffers are limited to water-dependent and water-related uses, unless a reduced buffer is approved	No revision made. The exemptions in RMC 4-3-050.5-7 are reasonable exemptions within an urban context. The exemptions within the CAO do not affect shoreline exemptions. Uses and facilities that are not water dependent are not allowed within buffers by the terms of exemptions in the CAO. Use preferences in Section 6.03 function as an overlay with the most stringent regulations prevailing.
6.04.03	Futurewise	09-14-09	The draft SMP adopts the city’s existing wetland buffers and regulations found in the CAO. However, the CAO is incapable of protecting the functions and values of wetlands within shoreline jurisdiction. The CAO includes the following Purpose statement for protecting wetlands. Yet the regulations that are established to support it make a point of waiving protection measures for many wetlands, and even seem to encourage the destruction of wetlands. [See comment letter for text not reproduced.]	No revision made. The provisions for protection of wetlands in the CAO are appropriate for an urban context. Uses and facilities that are not water dependent are not allowed within buffers by the terms of exemptions in the CAO.

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			<p>Category 3 wetlands are given little to no protection. The following text from the CAO allows activities without any requirements to meet the development standards in the CAO Section of the municipal code. They can be eliminated through an exemption as a first option rather than a last option.</p> <p>Category 1-3 wetlands can be “temporarily” disturbed with fill and excavation, again as a first option rather than a last option.</p>	Use preferences in Section 6.03 function as an overlay with the most stringent regulations prevailing.
6.04.03	Futurewise	09-14-09	<p>And the administrator has the option of declaring Category 3 Wetlands non-regulated and not even subject to compensation.</p> <p>RMC 4-3-050 A.5. Specific Exemptions – Critical Areas and Buffers: Specific exempt activities are listed in the following table. ... Activities taking place in critical areas and their associated buffers and listed in the following table are exempt from the applicable provisions of this Section, provided a letter of exemption has been issued per subsection C4 of this Section, Letter of Exemption. ...</p> <p>f. Wetland Disturbance, Modification and Removal</p> <p>(i) Any Activity in Small Category 3 Wetlands: Any activity affecting hydrologically isolated Category 3 wetland no greater than two thousand two hundred (2,200) square feet when consistent with all of the following criteria...</p> <p>(ii) Temporary Wetland Impacts: Temporary disturbances of a wetland due to construction activities that do not include permanent filling may be permitted; provided, that there are no permanent adverse impacts to the critical area or required buffer, and areas temporarily disturbed are restored at a 1:1 ratio. Category 1 wetlands and Category 2 forested wetlands shall be enhanced at a 2:1 ratio in addition to being restored. For habitat conservation areas, this exemption applies only to Category 1 wetlands.</p> <p>RMC 4-3-050 M.1.e.ii. Nonregulated Category 3 Wetlands: Based upon an applicant request, the Department Administrator may determine that Category 3 wetlands are not considered regulated wetlands, if the applicant demonstrates the following criteria are met:</p> <p>(a) The wetland formed on top of fill legally placed on a property; and</p> <p>(b) The wetland hydrology is solely provided by the compaction of the soil and fill material; and</p> <p>(c) The U.S. Army Corps of Engineers has determined that they will not take jurisdiction over the wetland.</p> <p>[Note: Many urban wetlands have had fill placed in them in the past, yet persist – these would be included in (a). Hydrology is not provided by the fill, but rather precipitation in the drainage basin, and many isolated wetlands in western Washington are supported by surface drainage. The Corps typically does not take jurisdiction over isolated wetlands – just those connected to stream systems. However, these wetlands can perform important shoreline functions. Rather than excluding them, they should be included and given a level of protection consistent with the functions they perform.]</p>	<p>No revision made.</p> <p>The definition of Category 3 wetlands in the CAO are limited to very low function wetlands and therefore the regulations are appropriate for an urban context.</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
6.04.03	Futurewise	09-14-09	<p>Lastly, the Shoreline Management Act and Shoreline Master Program Guidelines direct the city to adopt development regulations to protect the functions of wetlands. The draft SMP adopts the city’s existing wetland buffers and regulations by referencing RMC 4-3-050 M.6.c. These buffers are far smaller than the buffers indicated by science as necessary to protect wetland functions in shoreline jurisdiction. Category 1 wetlands have a 100 foot buffer, Category 2 wetlands have a 50 foot buffer, and Category 3 wetlands have a 25 foot buffer. These are approximately 1/3 of the size that science indicates as being needed. After exhaustively reviewing the scientific literature on wetlands, Ecology summarized the results of the study’s conclusions for buffer widths:</p> <ul style="list-style-type: none"> • Effective buffer widths should be based on the above factors. They generally should range from: 25 to 75 feet (8 to 23 m) for wetlands with minimal habitat functions and low-intensity land uses adjacent to the wetland • 75 to 150 feet (15 to 46 m) for wetlands with moderate habitat functions and moderate or high-intensity land uses adjacent to the wetland • 150 to 300+ feet (46 to 92+ m) for wetlands with high habitat functions, regardless of the intensity of the land uses adjacent to the wetland <p>[Please note that urban uses almost always fall into the high intensity category.]</p> <p>More detail on the science behind these buffers recommendations is in Wetlands in Washington State -Volume 1: A Synthesis of the Science pp. 5-23 through 5-57. Based on this synthesis, Ecology has prepared recommended wetland buffers.</p> <p>We urge the city to adopt a wetland rating system consistent with Ecology’s rating system for Western Washington and buffers consistent with one of Ecology’s recommended alternatives in Appendix 8-C: Guidance on Widths of Buffers and Ratios for Compensatory Mitigation for Use with the Western Washington Wetland Rating System. In our view, these changes are needed to comply with the Shoreline Management Act.</p>	<p>No revision made.</p> <p>The buffers provided for wetlands in the CAO are appropriate for an urban context.</p>
6.04.03	Nightingale, Barbara	09-30-09	6.04.03 Critical Areas. When “adopting by reference” the Critical Area Regulations, the ordinance number and date of the ordinance is required. Also, at the end of 6.04.03 Critical Areas. 1. Add “...and to assure that the provisions of this SMP are at least equal to the level of protection provided by the CAO”.	This will be resolved in future discussions with Ecology
6.05	Nightingale, Barbara	09-30-09	6.05 Need to include a statement from WAC 173-26-241(s)(iii) “Reduce use conflicts by including provisions to prohibit or apply special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state’s shorelines. Preference shall be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.	Addressed in 6.04
6.05.01(B)	Muckleshoot Tribe	09-18-09	23. Page 42, 6.05.01(B), Use Compatibility and Aesthetic Effects- Night time lighting that shines on Lake Washington and the Cedar River is a serious problem for juvenile salmonids due to predation by avian and piscivorous predators. The SMP should include language that regulates night time lighting by restricting new lighting from shining on water, as well as, reducing existing nighttime lighting impacts.	Added in new section 6.04.03 Impacts on Aquatic habitat.
	Futurewise	09-14-09	The SMP utilizes an excellent approach to providing for public access by incorporating the public access objectives into the development provisions of the SMP. We only have one major concern. Public Access standard 6.06.02(C)(3) requires that all public access have over-water facilities. This is inappropriate.	<p>No revision made.</p> <p>The provisions of 6.06.02.C.3 provides for public access if over-water structures are approved on public aquatic lands.</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			Over-water facilities are not needed for all public access, and will result in significant ecological impacts if applied at the scale contemplated by this standard -especially displacement of aquatic and buffer habitat, which is very difficult to replace. The first option for all development should be avoidance and minimization before allowing impacts with compensation. This provision should be edited to apply only in those instances where over-water facilities are used, which preferably are for water-dependent uses such as marinas, swimming and fish piers, etc.	The section does not require over-water structures.
6.06.02(C)(2)	Muckleshoot Tribe	09-18-09	24. Page 44, 6.06.02(C)(2), Public access requirements- This policy is confusing as worded. It appears that properties that are not required to provide vegetated areas are allowed wider public access areas that parallel the shoreline for its length, which could result in significant adverse impacts and loss of ecological functions and restoration opportunities.	No revisions made. Areas not required to be revegetated are very limited and addressed in Tables 6.06 and 8.01. This is an example of the balance needed in the SMP between public access and ecological values.
6.06.02(C)(4)	Muckleshoot Tribe	09-18-09	25. Page 44, 6.06.02(C)(4), Public access requirements- City trail or transportation plans should be required to have development standards that meet the no net loss of ecological functions and restore ecological functions to the fullest extent possible.	No revision made. No net loss is addressed in 6.04.01 and is applicable to all activities within the shoreline.
6.06.03(A)(3)	Muckleshoot Tribe	09-18-09	26. Page 45, 6.06.03(A)(3), Public access development standards- Public trails indicated on the City's transportation, park, or other plans should be located outside of the regulated shoreline jurisdiction to the fullest extent possible.	No revision made. Setbacks from the water are addressed in 6.06.02.C1. Prohibition of public access trails within shoreline jurisdiction is not consistent with the public access policies of RCW 90.58.020.
6.06.03(B)(l)	Muckleshoot Tribe	09-18-09	27. Page 46, 6.06.03(B)(l), Public access development standards- As written, this policy will result in a net loss of ecological functions and reduce opportunities to restore ecological functions along the shoreline.	No revision made. This standard includes the provision “provided that public access does not adversely affect sensitive ecological features or lead to an unmitigated reduction in ecological functions” designed to avoid loss of functions.
Table 6.06	Muckleshoot Tribe	09-18-09	28. Pages 47-52, Table 6.06. Public Access by Reach- Trails should be required to provide fish passage wherever fish passage may be currently blocked due to culverts and other structures conveying streams.	Added in Section 7.10.
Table 6.06	Nightingale, Barbara	09-30-09	Table 6.06 another excellent reach-by-reach analytic tool to assist in meeting SMA t public access objectives. The table provides an efficient and consistent application of the public access objectives for each reach.	No response needed
Table 6.06 Cedar River Reach C	Halinen, David	09-11-09	Public physical access <u>to the shoreline</u> from a trail parallel to the water should be provided <u>within the setback/buffer contemplated by Table 6.09</u> as private lands on the north side of the river redevelop, <u>integrated with vegetation conservation, and with</u> The public trail should be located within the setback <u>setback/buffer to preserve existing native vegetation to the maximum extent feasible and should provided</u> controlled public access to <u>river viewpoints or</u> the water’s edge, balanced with goals <u>the goals</u> of enhancement of <u>shoreline</u> ecological functions <u>set forth in Section 5.07.01A.</u> The single-family residential area on the north side of the river provides no public access. The potential for provision of public access from new development is low because further subdivision and non-single-family use is not likely but should be pursued if such development occurs.	No revision made. The suggested revisions are partially overlapping and partially in conflict with specific provisions of 6.06.02- Public Access Requirements. It is unnecessary and undesirable to duplicate such provisions in the reach table. It is also important that these be specifically coordinated with the Vegetation Conservation policies and regulations in Section 8.01.
6.07.02.C	High, G	08-18-09	Should the relative location be oriented to approved water-oriented developments and uses on-site only or should consideration of such uses on adjacent sites be considered?	Minor revision
6.07.02(D)	Muckleshoot Tribe	09-18-09	29. Page 54, 6.07.02(D), Design and Performance Standards- The sentence in this standard "The rights of treaty tribes to resources within their usual and accustomed areas shall be accommodated." should be its own	Revised to add new section 6.11 Treaty Rights.

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			policy separate from the rest of the paragraph. It should also be modified as follows: Rights reserved or otherwise held by Indian Tribes pursuant to Treaties, Executive Orders or Statutes, including rights to hunt, fish, gather, and the right to reserved water, shall not be impaired or limited by any action taken or authorized by the City under its Shoreline Master Program, and such rights shall be accommodated.	
6.09.02(D)	Muckleshoot Tribe	09-18-09	30. Page 56, 6.09.02(D), Regulations- This regulation is too broad and will allow many non-water dependent uses to occur within the regulated shoreline jurisdiction and waterward ordinary high water mark without requiring a no-net loss of ecological functions and mitigation for unavoidable impacts.	No revision made. The list of activities not subject to buffers and setbacks are relatively minor and are largely related to access and utility and water-dependent uses.
Table 6.09	Nightingale, Barbara	09-30-09	6.09 Table 6.09 Shoreline Bulk Standards. Excellent use of table connecting 8.01.	No response needed.
6.09(12)	Muckleshoot Tribe	09-18-09	31. Page 60, Table 6.09(12), Shoreline Bulk Standards- Footnote 12 will allow pathways to be up to 6 feet wide within vegetated conservation areas for access when the trail section of the SMP requires 5 feet wide trails. Also, the footnote should be modified to require impervious surfaces to be less than 5% within the first 100 feet from the Ordinary High Water mark and only when no other location is available, not the up to 50% impervious surface standard as proposed.	Revision made to Section 6.05.01.A.9 and 6.06.02.C.1 to provide consistency. A path 6-feet wide or less is allowed through the zone of riparian vegetation for access to a pier is allowed by the Seattle District Corps of Engineers under Regional Permit 3 for overwater structures in Lake Washington. The 50% impervious surface applies to modifications to the 100-foot vegetation conservation buffer and allows construction of single family lots on existing small lots
Table 6.09(13)	Muckleshoot Tribe	09-18-09	32. Page 60, Table 6.09(13), Shoreline Bulk Standards- Footnote 13 will allow pathways to be up to 6 feet wide within vegetated conservation areas for access when the trail section requires 5 feet wide trails. Also, the footnote should be modified to require impervious surfaces to be less than 5% within the first 100 feet from the Ordinary High Water Mark and only when no other location is available, not the up to 75% impervious surface standard as proposed.	See response to comment 31 above. Footnote 13 is eliminated with elimination of the separate High Intensity Overlay District for Lake Washington and incorporated into (renumbered) Footnote 14 on a Reach basis. The higher impervious surface is allowed only if the vegetation conservation area is reduced in accordance with Section 8.01. In such a case, development is allowed an a greater impervious area is appropriate.
Table 6.09(14) and (15)	Muckleshoot Tribe	09-18-09	33. Page 60, Table 6.09(14) and (15), Shoreline Bulk Standards- Footnotes 14 and 15 are too broad for Reaches Band C and will allow too many impacts within the vegetation conservation areas' 100 foot buffers.	See response to comments 31 and 32, above.
Table 6.09	Halinen, David	09-11-09	Table 6.09 -Add specific provisions: <u>In site specific cases (such as along the Old Stoneway Sitties's bulkheaded river frontage, which is largely unvegetated) where (a) a net gain is shoreline functions can be achieved (such as by planting overhanging vegetation within the setback/buffer and (b) public access to the shoreline can be achieved by means of a riverfront trail within the setback/buffer, the width of the setback/buffer shall be 50 feet.</u>	No revision made This suggested revision is inconsistent with several other provisions of the SMP: (1) The existing bulkhead on the site will be required to be removed and replaced with shoreline protection, if needed, that complies with current standards by Section 8.04.02.A, which requires that new development be located and designed to avoid the need for future shoreline stabilization. (2) The proposed shoreline vegetation conflicts with the dimensions and type of vegetation required in Section 8.01 Vegetation Conservation. (3) The provisions of WAC 173-26-241(3)(d) – “Master programs should prohibit nonwater-oriented commercial uses on the shoreline unless they meet the following criteria: (i) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and <u>ecological restoration</u> ...” (4) The 50-foot setback does not conform with the criteria in Section 6.09 Footnote 2 that limits a 50-foot buffer to water-oriented uses.

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
				(5) The proposed 50-foot buffer would not meet the criteria of WAC 173-26-181(8)(d) to “fairly allocate the burden of addressing cumulative impacts among development opportunities.” The proposed 50 foot buffer would result in the subject “Old Stoneway Site” providing about half the proportional vegetation conservation area/building setback provided by an average size residential lot. In addition, the subject site would enjoy eight to twelve times the development potential of a single family site.
Table 6.09	Halinen, David	09-11-09	Table 6.09 Footnote 9 Cedar River Reach C – <u>Where building height greater than 35 feet will obstruct existing views of the Cedar River from public property or substantial numbers of existing residences (see RCW 90.58.320 and WAC 173-26-221(4)(d)(iv)).</u> A additional height may be allowed for mixed use containing water-oriented use, provided a transition is provided equal to a slope of 1 vertical to 1 horizontal from a height of 35 feet from the building closest to the OHWM, provided that if the Vegetation Management Buffer is varied to be less than 100 feet, the transition may occur at the edge of the buffer and the transition slope provided within 100 feet of OHWM shall be at a maximum slope of 1 vertical to 2 horizontal, and provided no additional floor area is allowed by additional height in the area within 100 feet from OHWM compared to that allowed by a 35-foot height. <u>However, where building height greater than 35 feet will not obstruct views of the Cedar River from public property or from substantial numbers of existing residences the maximum building height over the entire distance from OHWM to the end of Shoreline jurisdiction shall be the maximum height established in RMC 4-2 for the underlying zone classification.</u>	<p>Change made.</p> <p>This comment is based on the incomplete interpretation of statute and WAC in page 10 of Halinen’s cover letter that only views from public property or from substantial numbers of existing residences is the single criteria for building height. In fact there are at least six references to aesthetic and other criteria that are relevant to height.</p> <ol style="list-style-type: none"> 1) WAC 173-26-186(5)(d)(ii)(E) <u>Aesthetic</u> objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers. 2) WAC 173-26-211(2)(b)(v) Promote human uses and values that are compatible with the other objectives of this section, such as public access and <u>aesthetic</u> values, provided they do not significantly adversely impact ecological functions. 3) WAC 173-26-211(4)(b)(iii) To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and <u>aesthetic</u> qualities of shorelines of the state, including views of the water. 4) WAC 173-26-211 (4)(d) (iv) Adopt provisions, such as <u>maximum height limits</u>, setbacks, and view corridors, to minimize the impacts to existing views from public property or substantial numbers of residences. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary. 5) WAC 173-26-211 (5)(b) Principles. The intent of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation should also be undertaken to protect human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for structural shoreline stabilization measures, to improve the <u>visual and aesthetic</u> qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses. 6) WAC 173-26-211(6)(b)(i) Prevent impacts to water quality and storm water

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
				<p>quantity that would result in a net loss of shoreline ecological functions, or a significant impact to <u>aesthetic</u> qualities, or recreational opportunities.</p> <p>Application of these concepts to height was discussed in the Technical Memorandum “Regulatory Approach Options Specifics”available at: http://rentonwa.gov/business/default.aspx?id=15508</p> <p>Aesthetic issues are one of many considerations balanced in the SMP.</p>
7.01.01(A)	Muckleshoot Tribe	09-18-09	34. Page 62, 7.01.01(A), Aquaculture Regulations- This regulation is too broad and will restrict aquaculture facilities from being located within the majority of Renton's shoreline designations. Aquaculture is a preferred use provided in meets the requirements in the State's shoreline guidelines. While we are unaware of any proposed facility currently, there may be a need to construct some kind of aquaculture facility within Renton's shoreline jurisdiction in the future.	Revised to allow in Urban Conservancy Overlay Districts.
7.02	Futurewise	09-14-09	<p>Subsection 7.02 addresses boat-launching ramps. The section implies that it is focused on public launch ramps; however, the definition is broad enough to encompass all launch ramps.</p> <p>Due to the impact of launch ramps on upland areas, the water-land interface, and in-water areas, we recommend that a new regulation be added to state that new launch ramps are prohibited, except for marinas and public launch ramps. The occasional need for dock owners to launch and remove their boats at a public facility or using a boat lift is not a hardship, and greatly reduces facilities in the water. This addition will address the problem of proliferation of such facilities across the lake. Such a clarification will also fit with the current format and language in the proposed regulations, which are more focused on public facilities.</p>	Revised to add limit to public boat launches and, water-dependent use or providing for hand launching of small boats with no provisions for vehicles or motorized facilities.
7.03	Futurewise	09-14-09	The SMP does a good job of implementing the limits of the SMP Guidelines regarding water dependency. However, as noted above, commercial uses are allowed in all environments, including Natural, Aquatic, and Urban Conservancy. Such development is particularly inappropriate for the Natural environment. Use limits need to be added for commercial uses.	<p>No revision made.</p> <p>Commercial uses are not allowed in Natural or Urban Conservancy Environments, except for home occupations in the latter.</p>
7.03	Futurewise	09-14-09	Section 7.03.01 (1st B)4.c states: “All non-water-oriented commercial uses are prohibited in shoreline jurisdiction water’s edge unless the use provides significant public benefit ...”. It is inappropriate for non-water dependent uses to be located within the buffer let alone at the water’s edge, and this regulation needs to be changed. If they already exist then they are treated as non-conforming structures. If they are part of a mixed use development, a different regulation applies. This provision will apply for new development and will result in continued degradation of the shoreline. We recommend that it be changed to read: “All non-water-oriented commercial uses, when permitted, shall provide significant public benefit ...” An additional paragraph discussing mixed use development, similar to those for water-oriented uses may be appropriate here, as well.	<p>No revision made.</p> <p>The provisions of Section 6.09 and 8.01 do not allow non-water dependent uses in buffers. The provision of the Vegetation Conservation buffer is the public benefit of ecological enhancement.</p>
	Futurewise	09-14-09	A quirk of the SMP guidelines is that Community Services, such as government buildings/uses, churches, hospitals, etc. is not described specifically. Since they have many of the same characteristics, we recommend including them with commercial uses, such that the category becomes Commercial and Community Service. This will avoid having a gap in the regulations for that type of use. The change would need to be made in several places in the document. This also ensures they are not left out of the general intent of the SMP Guidelines to limit non-water-oriented commercial and industrial uses.	Revised to add Community Services.
7.03.01(D)	Muckleshoot Tribe	09-18-09	35. Page 66, 7.03.01(D), Commercial Development Regulations- Non-water-dependent commercial uses should not be allowed overwater.	They are not allowed, except when appurtenant to and necessary in support of water dependent uses.
7.03.01(E)	Muckleshoot Tribe	09-18-09	36. Page 66, 7.03.01(E), Commercial Development Regulations- The setbacks for non-water-dependent commercial buildings should be no closer than one hundred (100) feet from the ordinary high water mark regardless if public access is created or improved.	Added: “and maintain the ecological functions of Vegetation Conservation buffers”.

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
7.03.01(F)(3)	Muckleshoot Tribe	09-18-09	37. Page 67, 7.03.01(F)(3), Commercial Development Regulations- Display and exterior lighting should be designed and operated so as to prevent illumination over waterbodies	Added in new Section 6.04.03.
7.04	Futurewise	09-14-09	The SMP Guidelines have water dependency requirements for industrial uses that are very similar to those for commercial uses. However, the draft SMP does not seem to include them. Such provisions need to be included. As with commercial uses, industrial uses are allowed in almost all environments, often by default. Such development is particularly inappropriate for the Natural environment. Use limits need to be added for industrial uses.	Revised to add similar use preference.
7.04.01(A)	Muckleshoot Tribe	09-18-09	38. Page 67, 7.04.01(A), Industrial Regulations- There is no requirement in this section to protect and Division restore shoreline vegetation for new or redeveloped industrial developments or mitigation for impacts to shoreline vegetation.	Revised to add provision. Vegetation Conservation buffers in Section 8.01 apply.
7.04.01(E)	Muckleshoot Tribe	09-18-09	39. Page 68, 7.04.01(E), Industrial Regulations- Offshore log storage should not be allowed because of the potential for creating salmonid predator habitat.	Revised to add additional restrictions.
7.05.01(2)	Muckleshoot Tribe	09-18-09	40. Page 68, 7.05.01(2), Marinas Regulations- This regulation should also require marinas to not need dredging to accommodate moorage.	Added
7.05.01(C)(7)	Muckleshoot Tribe	09-18-09	41. Page 68, 7.05.01(C)(7), Marinas Regulations-Covered overwater structures for vessel construction and/or repair work should not be allowed in Renton's shoreline jurisdiction. Lake Washington and the mouth of the Cedar River are important areas for juvenile salmon that need to be protected from additional overwater coverage. The other shoreline jurisdiction areas are too small or not appropriate for this type of commercial boating activity.	No revision made. Vessel construction and repair is a water-dependent use and should not be overly restricted. The no net loss provisions will provide a means to avoid or mitigate impacts.
7.07.04	Muckleshoot Tribe	09-18-09	42. Pages 72-73, 7.07.04, Design Criteria-This section should have a maximum amount of overwater coverage in square feet for piers and docks. We recommend using the standards provided in the U.S. Army Corps of Engineers regulations in the Regional General Permit 3 (see http://www.nws.usace.army.mil/publicinenuiDOCUMENTSIRGIRGP%203%20App%20Form%20only%20C6-13-05)%20Form%20version.pdf)	No revision made. The combination of length and width restrictions results in a de-facto coverage restriction.
7.07.04	Muckleshoot Tribe	09-18-09	43. There are other standards in the Regional General Permit 3 that should be included in this section too (i.e. location of first set of piles, height of structures from water surface, etc.)	Revised to require compliance with Pier and Dock standards in Section 7.07.
7.07	Futurewise	09-14-09	Docks and boating facilities have significant adverse effects on Lake Washington and other lakes. The Final Report: A Summary of the Effects of Bulkheads, Piers, and Other Artificial Structures and Shorezone Development on ESA-listed Salmonids in Lakes recommends consideration of “of ‘a no new piers’ policy as the best option for protecting fish and fish habitat. Encourage the use of floats or buoys instead.” The report recognizes that this may not be politically possible and recommends as a backup no net increase in overwater coverage. In order to build a new dock, existing docks would have to be slimmed down to compensate for the increased coverage. So docks and piers should have carefully crafted standards to protect Lake Washington from their significant impacts. The Priorities subsection for docks (and associated Policies) in the draft SMP does not include a policy addressing the proliferation of docks and related facilities. This policy is needed to support the related regulations that are already included. We also recommend that a no net increase in dock area be adopted. If it is not adopted, then the adverse impacts of new and larger docks should be mitigated. We also recommend the following specific changes to the regulations.	No revision made. Most residential properties on Lake Washington have docks and piers. The regulations will reduce the impacts as docks are replaced over the long-term. Prior to developing new docks, investigation of other moorage options, including mooring buoys is required.
7.07.01.B	High, G	98-18-08	7.06.01.B Conflicts with logical consideration and testimony of construction company representative's presentation I.e. Floating docks present more fish and sun blockage than piered. On what analysis is this policy	No change made. Grading for light penetration is required.

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			based? Also see 7.06.04.A for potential conflict.	
7.07.02.A	Futurewise	09-14-09	We recommend changes to RMC 7.07.02 A, which describes different dock situations. Paragraphs 2 & 3 need to be clarified that joint docks and community docks can be used for multiple “single family residences”, because single family residences are the only non-water dependent use allowed to have a dock.	Revised to add reference to single-family.
7.07.02.A	Futurewise	09-14-09	It also needs to be clarified that docks for more than four residences are to be reviewed as Boating Facilities (or the equivalent for the draft SMP). Another paragraph is needed to clarify that a dock for multi-family residential is only allowed if developed as a Boating Facility use (or equivalent), which will have its own use limits and development standards – a very important distinction. This is only implied near the end of the Piers and Docks section, and needs to be stated at the beginning.	Added as 7.07.03.C.6.
7.07.03.C	Futurewise	09-14-09	We also recommend changes to Section 7.07.03 C, which describes shared moorage. This paragraph allows shared moorage for more than two residences, without limit. As pointed out above, it needs to be clarified that it applies not to any residences, but rather single family residences. Furthermore moorage for more than four residences, is considered to be a Boating Facility use (or equivalent in the draft SMP), and subject to those use limits and development standards. This paragraph should probably be split to deal with dock requirements for shared docks, and another paragraph for marina docks; similar to the separate paragraph for water-dependent use docks.	Added reference to single-family and meeting standards for marinas in 7.07.C.6.
7.07.03.C.4	High, G	08-18-09	7.06.03.C.4 appears to conflict with 7.06.03.D.4 If this is public land, shouldn't access and use be public? Also appears to conflict with 7.07.03.	Access to public land is provided for non-single-family docks
7.07.06	Futurewise	09-14-09	Section 7.07.06 addresses multi-family docks. It correctly states that multi-family residential use is not a water-dependent use. However it goes ahead and allows docks for them. This can result in a single development possibly having a dock with 100 or more slips. This cannot be allowed, unless the dock is reviewed as a Boating Facility, along with appropriate use limits and development standards, including dry moorage to reduce the size of the dock.	No revision made. Section 07.06 provides that docks and moorage for multi-family residential use may be provided only when the dock provides public benefit in the form of 1. shoreline ecological enhancement measures and/or public access. Provides for review as a marina.
7.07.04(F)	Muckleshoot Tribe	09-18-09	44. Page 73, 7.07.04(F), Design Criteria-Nighttime lighting on piers, docks, and floats should be such that it does not illuminate the water surface including indirect or reflected light.	Added in Section 6.04.03.
7.07.05.A	High, G	08-18-08	7.06.05.A What about the cases where there is shared ownership (I.e. family home with siblings jointly inheriting)? Shouldn't this be specified by tax parcel? 7.06.05.C.3.d has a similar construction that should also be considered.	Accessory uses relate to the single-family use of the lot, not to the number of people who own a use.
7.07.05(B)(7)(c)	Muckleshoot Tribe	09-18-09	45. Page 74, 7.07.05(B)(7)(c), Design Criteria for Single Family Docks and Piers- If allowed, then boatlift canopies should be made of translucent materials.	No revision made. Covered moorage is not permitted.
7.07.07(A)(1)	Muckleshoot Tribe	09-18-09	46. Page 77, 7.07.07(A)(1), Design Criteria for Recreational, Commercial, and Industrial Docks- This regulation needs to be modified. There are no harbor areas within Renton and breakwaters should not be allowed in Lake Washington.	Minor revision made. All of Lake Washington has an Inner and Outer Harbor Line.

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
7.07.02(B)	Douglas, David	08-12-09	<p>1) 7.07.02(B)(p.71)- Single family residential property owners required to demonstrate that shared moorage is not available. Why are single family residential property owners being required to demonstrate that shared moorage is not available? WAC 173-26-231(3)(b)(p.71) states "Where new piers or docks are allowed, master programs should contain provisions to require new residential development of two or more dwellings to provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence.</p> <p>This section of the WAC classifies a single family residential pier as a water-dependent use not subject to the same requirements for joint-use or community dock facilities pertaining to two or more dwellings. This also makes single family residential property owners subject to the desires of their neighbors and can create conflict.</p> <p><u>Request/Recommendation-</u> Please consider eliminating this requirement by removing the words, "but is subject to demonstration that shared moorage is not available" from the text.</p>	<p>No revision made.</p> <p>Single family docks qualify as water dependent, but not all water dependent uses must be allowed in the shoreline.</p> <p>Docks have substantial cumulative impact and can be restricted or prohibited to avoid adverse impacts to ecological functions.</p> <p>Provisions for utilizing alternatives to the proliferation of docks are a reasonable exercise of the responsibility of the SMP to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life as provided by RCW 90.58.020.</p> <p>Restrictions and prohibitions of docks in areas where adverse impacts on ecological functions have been documented have been implemented and upheld by the Growth Management Hearings Board and the courts.</p>
7.07.03(B)(2)	Douglas, David	08-12-09	<p>2) 7.07.03(B)(2)(p.71)- This is similar to the subject in number 1 above and is not supported by the WAC.</p> <p><u>Request/Recommendation-</u> Please consider eliminating the second sentence in this section where it requires an individual lot owner to demonstrate adjacent owners have been contacted and have declined to develop or utilize a shared dock.</p>	See response above.
7.07.03(B)(3)	Douglas, David	08-12-09	<p>3) 7.07.03(B)(3)(p.71)- Requires demonstration that a mooring buoy is "impractical". The term impractical can take on many meanings and applications. This is the only draft SMP I where have seen this recommendation and it is problematic. This position is not required under the guidelines for SMP Updates from DOE. WAC 173-26-231 does not discuss mooring buoys in conjunction with residential piers. This requirement is unreasonable and reaches well beyond the written requirements of the SMP Update.</p> <p><u>Request/Recommendation-</u> Please consider eliminating the requirement where use of a mooring buoy is demonstrated to be impractical.</p>	<p>No revision made.</p> <p>Mooring buoys, a preferred mooring option, are included in Draft SMPs for King County, Kirkland, Mercer Island, Sammamish, Kenmore and other jurisdictions.</p> <p>Mooring buoys can reduce the adverse impacts associated with proliferation of docks and therefore encouraging use of buoys is a reasonable exercise of the responsibility of the SMP to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life as provided by RCW 90.58.020</p>
7.07.04(E)	Douglas, David	8-12-09	<p>4) 7.07.04(E)(p.73)- Pile spacing beyond the first set. The last sentence in this section addresses pile spans beyond the first set of piles by requiring them to be spaced at least 20 feet apart, unless substrate conditions provide otherwise, and shall be no greater than 12-inches in diameter. As a planning document the SMP should not be directed at the structural aspects of an overwater structure as this is driven by load requirements in the International and Residential Building Codes. It is the responsibility of the marine contractor to design and the local building department to review and approve structures based on load requirements.</p> <p>It benefits both contractor and property owner when the project is designed in the most cost effective way using fewer and smaller diameter piling spaced as far apart as possible while still meeting minimum load requirement. While most projects will meet these criteria there may be times when structure width or other conditions require shorter pile spans. This rule could require additional batter (angle) piles to be installed to provide additional vertical and lateral support that would not otherwise be necessary. If piles are spaced closer than 20 feet it is almost always driven by sectional pier lengths and the need to spread the load equally over the entire structure.</p> <p>The City of Kirkland originally planned on including a similar rule in their SMP Update but after understanding the consequences of such a requirement the City removed it and has left this responsibility to the contractor, engineer, and Building Department. They are only requiring the first set of piles to be at least 18 feet from the OHWM.</p> <p><u>Request/Recommendation-</u> Please consider eliminating the requirement that piles beyond the first set shall be spaced no closer than 20 feet.</p>	<p>Revised to add additional flexibility.</p> <p>The Corps of Engineers standard for Lake Washington is spacing of at least 18 feet.</p> <p>The design examples provided with this comment show the first set of pilings at about 40 feet and subsequent spacing at about 18 feet.</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
7.07.04(G)	Douglas, David	8-12-09	<p>5) 7.07.04(G)(1)(2) and (3)(p.74)- Use of Materials Specified in Regulation</p> <p>1) The need for this section is unclear in that approved materials should be required for all repair or replacement project regardless of percentage of the dock or pier. All projects, regardless of size or scope, which must also be approved by WDFW and/or the Army Corps of Engineers requires approved materials and preservatives to be used. This is not based on percentage but protection of fish life and improvements to the environment.</p> <p>2) What is the meaning of number 2 in this section and what is meant by “these regulations”? Does this mean if more than 30% of a pier or pilings are replaced that the entire structure must comply with the standards for new piers? If this is the objective, it will present a problem since existing piers can currently be repaired and even replaced as a shoreline and SEPA exemption under the WAC as long as there is no change in size, location or configuration. Also, any or all piling can be repaired and replaced without any work involving the pier structure itself so this must also be taken into consideration.</p> <p>Rarely is less than 30% of an existing structure repaired or replaced. It is more common to repair or replace the entire pier surface and some or all of the piling or do a total pier replacement within the same footprint as the existing structure. This offers one of the best opportunities for property owners to retain their existing structure while making environmental improvements by using fewer and small diameter steel piling, elevating the pier higher above the water, and installing a 100% grated surface to promote light penetration. It is paramount that the City seizes the opportunity to team with property owners by allowing them to retain and improve existing structures whether or not they exceed the dimensional standards placed on new development. As mentioned above, these usually qualify for exemptions from the SDP process and always reflect improvements.</p> <p>3) The same questions are asked for number 3 as above in number 2. Additionally, if an existing dock is moved or reconfigured it can involve the removal of a section of pier in the nearshore area and an addition in deeper water whereby resulting in an improvement. Some of this work can be done under a shoreline exemption if the cost is less than ten thousand dollars and other scenarios may include a removal of a pier section without replacement.</p> <p><u>Request/Recommendation-</u> Can the City clarify if the requirements in 7.07.04(G)(1), (2) and (3) pertain to the requirements listed under 7.07.04 Design Criteria- General or if they direct these specific scenarios to the regulations in the entire SMP?</p> <p>NOTE- Because of a highly developed shoreline, redevelopment, repair and replacement of existing structures are the best way for the City to improve habitat. The City should consider establishing an alternative process whereby planners can evaluate work proposed to existing piers on a case-by-case basis. By using today's standard pier designs from Waterfront Construction and other marine contractors who work with state and federal agencies to address environmental concerns and impacts to listed species and critical habitat replacing existing structures always reflect measurable improvements and the state's requirement for “no net loss” of shoreline ecological functions.</p>	<p>No revision made.</p> <p>As indicated in the 07-22-09 Inventory/Characterization documents that existing bulkheads, docks, and vegetation management contribute to ecological decline reflected most significantly in declines in salmon populations, specifically nearshore rearing of Cedar River Chinook population. These provisions are designed to bring existing docks into conformance with new regulations.</p> <p>Similar provisions in the City of Sammamish SMP provide for docks to be subject to the regulations for a new dock if the repair or maintenance activity changes the location of the structure or alters any dimension of the structure by more than ten percent (10%), it shall be subject to the regulations for new/replacement.</p>
7.07.05(B)(1)	Douglas, David	8-12-09	<p>6) 7.07.05(B)(1)(a)(p.74) Design Criteria for Single-Family Dock and Pier- Length</p> <p>Limiting docks based on a maximum length or water depth can be problematic if it is not applied correctly or in the proper order. The City of Mercer Island is a good example to use as it has been very effective in limiting dock length while serving the reasonable moorage needs of property owners.</p> <p>Having a maximum pier length established first and then allowing the length to be exceeded in the event adequate water depth has not been achieved is a reasonable approach.</p> <p>Because WAC 173-26-231 and SMP Update Guidelines state, “Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use”, the way the length is written may not accommodate the intent of the WAC. It may also prevent the widest pier sections along with boating and human activity from being located as far from the critical nearshore area as possible.</p>	<p>Revisions include a provision for consideration of increased length by Shoreline Conditional Use Permit.</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
7.07.05(B)(1)	Douglas, David	8-12-09	<p>Scenario 1: Under the proposed regulation, if 8' depth is reached allowing the inland side of the vessel to be moored at 60' from the OHWL and the applicant wants to moor a 40' boat, then they would need a 100' long pier. The same would apply if 8' depth is reached allowing the inland side of the vessel to be moored at 40' and they have a 60' vessel. Under the proposed regulation they would need to apply for a variance or settle for the 80' maximum pier length which means the vessels may ground out on the bottom and would also be moored in the critical nearshore area.</p> <p>Scenario 2: Under the proposed regulation if 8' water depth is reached 20 feet from the OHWL and the property owner wants an 80 foot pier even if they have a 30 foot vessel, they will need to claim a 60 foot long vessel in order to have the pier approved at 80 feet long. The same scenario can be used to allow all owners to have an 80' long pier regardless of vessel size.</p> <p>Although it is unclear why the City is proposing to change its current maximum pier length which is already more restrictive than most, it can be done in a way that will not trigger the need for shoreline variances or encourage applicants to submit false or misleading information to get a longer pier. Under the proposed regulation all piers are restricted to 80 feet long whether or not adequate moorage depth is attained.</p> <p>Proposed Updated SMP Pier Lengths in Other Communities Kirkland is proposing piers to be a maximum of 150' long Redmond is proposing pier to be the lesser of 80 or a water depth of 13' at the end of the pier</p> <p>Current Pier Lengths in Other Communities Mercer Island- 100' max length or 10' at OLW to 150' max Bellevue- 80' max length or 10' at OLW to 150' max King County- 80' max length or 13' at OHW Hunts Point- 100' max length Yarrow Point- 150' max length Lake Forest Park- 150' max length Medina- 100' max length Seattle- 100' max length or subtended line</p> <p>Renton's current maximum pier length and water depth is less than most other jurisdictions, many of which are located on Lake Washington with similar shorelines. No jurisdictions limit pier length to 8' water depth and most use depths similar to the existing Renton code.</p> <p><u>Request/Recommendation-</u> Can the City consider retaining the existing regulation (80' or until a water depth of 12' below mean low water is reached, whichever comes first) or reword the proposed change to provide clarity and avoid ambiguity? Will the City consider the following regulation which will allow piers to extend 80' or to a point where water depth at the OHWL of Lake Washington is 9.8'?</p> <p>"The maximum length of a pier, dock, or float is 80 feet beyond the Ordinary High Water Line <u>or</u> to a point where the water depth at the end of the pier is 8 feet below the mean low water mark."</p>	Revisions include a provision for consideration of increased length by Shoreline Conditional Use Permit.
7.07.05(B)(1)	Douglas, David	8-12-09	<p>7) 7.07.05(B)(1)(b) and (2)(a) and(b)(p.74) Design Criteria for Single Family Docks and Piers- Length and Width While pier walkways are limited to 4' in width and traditional ells and floats limited to 6 feet wide, a type of popular pier design often overlooked, especially for joint-use applications, is where the width of the walkway is increased at the end to allow more area where most activity occurs. This is often referred to as a "flare" and is similar to an ell but does not angle off from the main walkway. This is probably the most environmentally conservative design since it is more compressed, decreases overall structure size and serves as the best design to accommodate mooring piles for large watercraft moorage in a joint-use project.</p>	<p>No revision made.</p> <p>The current draft provides for 6-foot-wide ells.</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
7.07.05(B)(1)	Douglas, David	8-12-09	<p>I have included a set of drawings to demonstrate a typical application where this design is used. The project on the drawings is a 6' x 40' wide section because it is a joint-use pier.</p> <p>Request/Recommendation- Can the City consider modifying these regulations to allow a section at the most waterward end of the pier main walkway to include up to a 6' wide by 26' long "flare" or "widened section" for a single owner pier and an additional length for joint-use applications? The City may want to consider either a 40' or 50' long section for joint-use piers due to the increased number of users and the increased activity.</p> <p>NOTE: Many people do not know that under the Corps RGP-3 a joint-use project each property owner is allowed to have a 6' x 26' ell extending from the main walkway making the total section size at the end of the pier 6' wide x 56' long (including the 4' wide walkway). This makes the straight out design with a "flare" at the waterward end of the main walkway favorable.</p>	<p>No revision made.</p> <p>The current draft provides for 6-foot-wide ells.</p>
7.07.05(B)(2)	Douglas, David	8-12-09	<p>8) 7.07.07(B)(2)(d)(p.74)- Maximum ramp width</p> <p>This dimensional standard is being promoted in several local SMP Updates and needs to be addressed. It is unclear why a pier walkway is allowed to be 4 feet wide but a less impacting ramp only 3 feet. This, for the most part, has been adopted directly from the Corps RGP-3 but it should be understood that the Corps has not returned a single project and has approved each one where the application I describe below has been used. What local governments may not understand is that all (I can only speak for Waterfront Construction but most marine contractors use similar products) there is an Inside Diameter (I.D.) and Outside Diameter (O.D.) width when referring to ramps. We use ramps that have a 3' wide walking surface to accommodate access for everyone including those having disabilities or confined to wheelchairs.</p> <p>If the 3 foot wide limit is applied to the O.D. then the walking surface of the ramp will only be 2'-4", a mere 28", because of the 4" bottom and top support chords. When the handrail is installed toward the top of the ramp it further limits the overall width. If ramp width is limited to 3' wide O.D. it will not allow reasonable access for all persons and trigger the use of smaller chords whereby limiting span capabilities and even necessitate the use of piles mid span on the ramp. Currently ramps can clear span over 50 feet which allows us to eliminate any piles in the nearshore area where this type of application is used. Ramps also have a 100% grated surface and allow more light penetration than pier walkways.</p> <p>I am providing 3 drawings of a typical project using a ramp. Three similar projects have been approved by the City of Renton and will receive uncontested approval by WA Dept of Fish and Wildlife and the Army Corps of Engineers due to its preferred design. The walking surface is 3', I.D. is 3'-1" and the O.D. is 3'-9". This is typical of all projects. Should the City of Renton adopt a policy that limits ramp width (without clarification as described above) it will trigger shoreline variances for all such projects.</p> <p>Request/Recommendation- Can the City consider clarifying and making this regulation more reasonable to allow ramps to be a maximum width of 3'-9" Outside Diameter (O.D.) or 3'-1" Inside Diameter (I.D.) and a maximum walking surface of 3'?</p> <p>Failure to do so will result in additional time and application paperwork for the applicant and City staff, more Shoreline Variances and hearings, delayed approvals, and cost for the property owner. This is in spite of the fact that these projects are routinely approved by the federal agency that implemented the 3 foot width limit on ramps. Please consider this practical step that no one has thought to question or research.</p> <p>Additionally, except in extreme cases, this will eliminate or limit the use of 7.07.05(B)(2)(e) except in extraordinary cases because it will accommodate nearly everyone with disabilities or confined to wheelchairs.</p>	<p>Revised to provide 3-foot walking surface.</p>
7.07.05(B)(6)	Douglas, David	8-12-09	<p>9) 7.07.05(B)(6)(p.75)- Pile spacing beyond the first set. Please see the information under number 4 above.</p> <p>Request/Recommendation- Please consider eliminating the requirement that piles beyond the first set shall be spaced no closer than 20 feet.</p>	<p>Eliminated in favor of revised specification in. 7.07.04.E.</p> <p>The Corps of Engineers standard for Lake Washington is spacing of at least 18 feet.</p> <p>The design examples provided with this comment show the first set of pilings at about 40 feet and subsequent spacing at about 18 feet.</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
7.07.05(B)	Douglas, David	8-12-09	<p>10) 7.07.05(B)(?) New regulation allowing mooring piles Mooring piles are not listed in the current RMC and therefore require a Condition Use Permit every time they are proposed. Mooring piles are routine part of many moorage structures and in most cases limits or eliminates the need for additional overwater coverage to provide adequate 4 point tie-up for larger boats or where a boatlift is not present. Mooring piles are preferred by state and federal agencies and are allowed in all other jurisdictions.</p> <p><u>Request/Recommendation-</u> Please consider including up to (2) mooring piles for a single owner pier and up to (4) for a joint-use pier shared by 2 property owners as an outright permitted use in the City's SMP. Mooring piles are typically 10" or 12" diameter and are typically installed located between 16 to 24' from the pier depending on the size of the watercraft.</p>	Mooring piles have been added as additional allowed features.
7.07.05(C)(2)	Douglas, David	8-12-09	<p>11) 7.07.05(C)(2)(a)(i)(p.75)- Joint Use Piers and Docks- Length Please see information under number 6 above.</p> <p><u>Request/Recommendation-</u> Can the City consider retaining the existing regulation (80' or until a water depth of 12' below mean low water is reached, whichever comes first) or reword the proposed change to provide clarity and avoid ambiguity? Will the City consider the following regulation which will allow piers to extend 80' or to a point where water depth at the OHWL of Lake Washington is 9.8'?</p> <p>"The maximum length of a pier, dock, or float is 80 feet beyond the Ordinary High Water Line <u>or</u> to a point where the water depth at the end of the pier is 8 feet below the mean low water mark."</p>	Revisions include a provision for consideration of increased length by Shoreline Conditional Use Permit.
7.07.05(C)(2)	Douglas, David	8-12-09	<p>12) 7.07.05(C)(2)(a)(ii), (b)(i) and (b)(ii)(p.75)- Joint Use Piers and Docks- Length and Width Please see information under number 7 above.</p> <p><u>Request/Recommendation-</u> Can the City consider modifying these regulations to allow a section at the most waterward end of the pier main walkway to include up to a 6' wide by 26' long "flare" or "widened section" for a single owner pier and <u>an additional length for joint-use applications? The City may want to consider either a 40' or 50' long section for joint-use piers due to the increased number of users and the increased activity.</u></p>	Revisions include a provision for consideration of increased length by Shoreline Conditional Use Permit.
7.07.05(C)(2)	Douglas, David	8-12-09	<p>13) 7.07.05(2)(b)(iv)(p.75)- Joint Use Piers and Docks- Ramp Width See information under number 8 above.</p> <p><u>Request/Recommendation-</u> Can the City consider clarifying and making this regulation more reasonable to allow ramps to be a maximum width of 3'-9" Outside Diameter (O.D.) or 3'-1" Inside Diameter (I.D.) and a maximum walking surface of 3'?</p>	<p>No revision made.</p> <p>The current draft provides for 6 foot wide ells.</p>
7.07.05(C)(2)	Douglas, David	8-12-09	<p>14) 7.07.05(2)(?) New regulation allowing mooring piles Mooring piles are not listed in the current RMC and therefore require a Condition Use Permit every time they are proposed. Mooring piles are routine part of many moorage structures and in most cases limits or eliminates the need for additional overwater coverage to provide adequate 4 point tie-up for larger boats or where a boatlift is not present. Mooring piles are preferred by state and federal agencies and are allowed in all other jurisdictions.</p> <p><u>Request/Recommendation-</u> Please consider including up to (2) mooring piles for a single owner pier and up to (4) for a joint-use pier shared by 2 property owners as an outright permitted use in the City's SMP. Mooring piles are typically 10" or 12" diameter and are typically installed located between 16 to 24' from the pier depending on the size of the watercraft.</p>	Mooring piles have been added as additional allowed features.
7.07.05(C)(2)	Douglas, David	8-12-09	<p>15) 7.07.05(2)(e)(p.76)- Joint Use Piers and Docks- Pile spacing beyond the first set Please see the information under numbers 4 and 9 above.</p> <p><u>Request/Recommendation-</u> Please consider eliminating the requirement that piles beyond the first set shall be spaced no closer than 20 feet.</p>	Mooring piles have been added as additional allowed features.
7.09	Futurewise	09-14-09	Sections 7.09 & 6.03 state that residential uses are "preferred" uses. Please note that the SMA policy statements in RCW 90.58.020 states that preferred uses are those consistent with "control of pollution and prevention of damage to the natural environment" (note that prevention of damage is not the same as mitigation of impacts), or uses that are "unique to or dependent upon use of the state's shoreline" (water-	Revised to use "priority".

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			dependent/related). This does not include Residential uses. The SMA states that “Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures”, public access, and water-dependent uses. Thus, residential uses are not automatically appropriate.	
7.07.09	Muckleshoot Tribe	09-18-09	47. Page 77, 7.07.09, Variance to Pier and Dock Dimensions- Variances should only be allowed if there is truly no other alternative and the project can fully mitigate for its impacts.	Added no net loss criteria.
7.10	Futurewise	09-14-09	The transportation section is very thorough and is a model for other jurisdictions on how to deal with the wide variety of transportation facilities, which can have very different inherent impacts.	No response required
7.10	Futurewise	09-14-09	<p>Linear Transportation Corridors</p> <p>Our primary concern is that linear transportation facilities have specific known and common impacts, with known and specific means of using mitigation sequencing to avoid and minimize these impacts. These impacts are not covered in the linear transportation section, and we recommend that standards be added to guide how impacts that are specific to linear transportation facilities are mitigated.</p> <p>Historically, linear transportation projects have had some of the most destructive impacts on shoreline ecological functions. Linear transportation projects have special characteristics that need to be addressed with detailed regulations to deal with the inherent impacts they have. We recommend using mitigation sequencing to reduce or avoid the impacts by providing details specific to transportation uses.</p> <p>The Transportation section has a number of good provisions. However additional clarification is needed relating to the mitigation sequencing aspect of avoidance, using language similar to the following: “Facilities should be located out of shoreline jurisdiction unless there is no feasible alternative. When necessary, they should be located as far landward as possible.” While there is a similar standard for Roads, we think it needs be applied to all linear transportation corridors.</p>	Revised to apply to all transportation facilities.
7.10.01	Futurewise	09-14-09	A regulation is needed that addresses a practice that can do as much damage as an actual project: “To prevent secondary impacts from transportation projects, the disposal location of excess material and waste materials shall be disclosed in submittal materials.”	Added to 7.10.01.
7.10.01	Futurewise	09-14-09	<p>Additional standards are needed to deal with the peculiarities of linear transportation projects impact on water systems by covering the issues below. It may be that some of these are already included in sections not apparent in our review. We also think these should apply to all linear transportation corridors.</p> <p>–In floodplains, construct linear transportation corridors at grade or otherwise provide flood water pass-through, especially for flood overflow channels.</p> <p>–Don’t cut off or isolate hydrologic features</p> <p>–Minimize the number of bridges, by first requiring the use of alternative access points, sharing existing bridges, and sharing new bridges with adjacent lots whenever possible.</p> <p>– Span both the OHWM & floodway.</p>	Provided for in 7.10 A-E.
7.10.01	Futurewise	09-14-09	In Section 7.10.01 several of the design requirements (#5, 6, & 10) are actually policies for directing planning functions of the city and other transportation agencies. They should be considered well in advance of the	No change made. Development standards appropriately address planning and design parameters.

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			shoreline permitting stage. If parts of them are desired to be development standards, they should be split as appropriate and rephrased as regulatory requirements. Standard 3 may also be more policy-like. Such changes will clarify what the actual development standards are.	
7.10.02.H.1.b	High, G	08-18-08	7.10.02.H.1.b What specific standard/document will govern whether “new landscaping is determined to be more desirable” and how will this be weighed against the ecological value of restoration?	This presumes some expertise on the part of the reviewer.
7.10.02, .03,.04	Futurewise	09-14-09	We commend you on your inclusion of facilities for individual developments in this section. These facilities (including bridges and driveways parallel to the shoreline) can have similar impacts as larger ones, though at more localized scale. The cumulative impacts can be just as great. Applying consistent development standards will ensure that transportation impacts from individual developments are not missed. Our recommended changes are as follows: Railroads, Trails, and Parking The Railroads, Trails, and Parking subsections also contain several policy statements related to planning of facilities that should be treated as described above.	No change made. Development standards appropriately address planning and design parameters.
7.10.04	Futurewise	09-14-09	The Parking subsection does not prohibit parking lots as a primary use, as required by the SMP Guidelines it is only vaguely implied.	No change made. Terminology is as provided in 173-26-2413)(k).
7.10.04	Futurewise	09-14-09	Glare from parking lot lighting is an important impact on fish and wildlife habitat. A standard needs to be added that minimizes and avoids illumination of the water, setback/buffer areas, wetlands, and other wildlife habitat areas.	Provided in 6.04.03.
7.10.04(B)(1)	Muckleshoot Tribe	09-18-09	48. Page 85, 7.10.04(B)(1)(b), Public Parking standards- Public parking should not be allowed within the regulated shoreline jurisdiction and certainly not within the 100 foot vegetation conservation buffer or along the water's edge.	Revised to incorporate additional specifications.
7.10.04	Futurewise	09-14-09	Aviation The treatment of Aviation uses is an excellent example of how to deal with such facilities. It should be a model for other jurisdictions to use. Our only concern is that helicopter landing pads are allowed on water front property. The disturbance from such uses is much greater than seaplane taxi activity, in duration, prop-wash area, vibration, and noise. The disturbance to upland and aquatic life, not to mention adjacent land owners, make such facilities incompatible and inappropriate in any environment except High-Intensity, and should be prohibited in other environments.	No revision made. The city has previously made a policy decision regarding the appropriateness of helipads as an accessory to single family use. Criteria are provided to assure compatibility with shoreline values.
7.10.04.01.B	Nightingale, Barbara	09-30-09	7.10.04.01.B. Helicopter Landing Facilities. 1. If RMC 4-2-080.A111 is intended to be adopted by reference, the ordinance # and date would have to be cited. However, it would not need to be adopted by reference, as it could be loosely referred to just like any other zoning code. This way it does not become an integral part of the SMP that if changed would require an amendment. If your intention is to do the latter then you would need to remove the language about adopted by reference.	Further discussion with Ecology are appropriate to resolve.
7.09.04.01(B) (1) and (2)	Muckleshoot Tribe	09-18-09	49. Page 86, 7.09.04.01(B)(1) and (2), Helicopter Landing Facilities- Helicopter Landing Facilities should only be allowed within the shoreline regulated jurisdiction at existing airports. They should not be allowed a single family homes or commercial developments because they require large areas to be devoid of vegetation and introduce noise and disturbance to juvenile salmon using the nearshore of Lake Washington.	No revision made. The city has previously made a policy decision regarding the appropriateness of helipads as an accessory to single-family use. Criteria are provided to assure compatibility with shoreline values.

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
7.11	Futurewise	09-14-09	<p>The utility section is very thorough and is a model for other jurisdiction on how to deal with the wide variety of utility facilities, which can have very different inherent impacts.</p> <p>Our primary concern, as with Transportation, is that linear utility corridors have specific known and common impacts, with known and specific means of using mitigation sequencing to avoid and minimize these impacts. These impacts are not covered in the utility sections, and we recommend that standards be added to guide how impacts that are specific to them are mitigated. Again, it may be that some of these are already included in sections not apparent in our review.</p> <ul style="list-style-type: none"> – Electrical substations are included; however, the standards should address other major facilities, such as sewer plants, water treatment, etc. Specifically, they should be limited to their water-dependent components or prohibited. – Avoid underground transmission line failures due to stream bed mobilization. In the CMZ or floodway and near streams, locate 4 feet below the bed or 1/3 of bankfull depth. – Require lines under water features to be placed in a sleeve to avoid the need for excavation in the event of a failure in the future. – Use an installation method preference order to reduce impacts of utility crossings. The preferences should be: Clear span, attach to bridge, boring, plowing, trenching. – For underground utilities in high groundwater areas, prevent french-drain effects from draining/rerouting groundwater patterns that support wetlands and streams. Use native soil plugs or collars that interrupt gravel pipe-bedding spaced at intervals. Prohibit the use of under-drains (perforated drain pipes under the main line). – Treat roads associated with utilities as roads. – Return grade to previous or better condition that provides for normal floodwater passage. – New underground utilities always have excess material. Always require disclosure of excess material disposal locations before approval to prevent secondary damage to the shoreline. 	Revised to incorporate.
7.1 1.02(G)	Muckleshoot Tribe	09-18-09	50. Page 88, 7.1 1.02(G), Provisions for all utilities- Pipelines and cables on aquatic lands should not be permitted due to their construction and maintenance impacts to the nearshore habitat.	See revisions above. Prohibition is not practical. Sewer lines are currently installed within Lake Washington. Electrical service to Mercer Island crosses from Renton.
7.1 1.02(H)	Muckleshoot Tribe	09-18-09	51. Page 89, 7.1 1.02(H), Landscaping requirements- If utilities must be located within the regulated shoreline jurisdiction and native trees are not allowed within the utility corridor due to concerns with tree roots or tree heights, then the utility project should be required to provide compensatory mitigation either elsewhere on site or off site to mitigate for the inability to restore the site with native trees.	Text added.
7.11.03	Muckleshoot Tribe	09-18-09	52. Page 89, 7.11.03, Special provisions for pipelines- When a stream or river crossing is the only alternative, pipelines need to be located deep enough below stream and river channels such that lateral migration or channel bed aggradation conditions are allowed and the pipeline is not exposed resulting in streambank and channel bed hardening.	Text added.
7.11.04(A)(2)	Muckleshoot Tribe	09-18-09	53. Page 90, 7.11.04(A)(2)(b), Underwater electrical transmission lines- Also need to avoid adverse impacts to Tribal treaty fishing access.	Provided in general provisions in Section 6.11.
7.11.04(C)	Muckleshoot Tribe	09-18-09	54. Page 90, 7.11 .04(C), Major pipeline utilities- When a stream or river crossing is the only alternative, pipelines need to be located deep enough below stream and river channels such that lateral migration or channel bed aggradation conditions are allowed and the pipeline is not exposed resulting in stream bank and	Text added.

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			channel bed hardening.	
8.01.02(A)(2)–	Muckleshoot Tribe	09-18-09	55. Page 93, 8.01.02(A)(2), Regulations- This regulation needs to be clarified to describe what is and what is not allowed in areas that have both shoreline jurisdiction and non-shoreline regulated waterbodies within the 200 foot jurisdiction. If we are interpreting the regulations correctly, then per 4-3-50(C)(5)(d)(ii), stormwater facilities are allowed within streams, wetlands, and Habitat Conservation areas; however, these same facilities are not allowed within the 100 foot vegetation conservation area of shorelines. The same is true of roads, trails and utilities that are allowed in Type 2-4 waters and do not have to meet the no net loss standard per 4-3-50. In areas of overlap between the shoreline vegetation conservation standards and uses allowed within nonshoreline critical areas, it will be confusing as to what is and what is not allowed without clarification or a diagram or something.	No revision made. Critical areas not associated with shoreline streams are subject to the Critical Area Regulations in RMC 4-3-50 including Class 2-4 streams and all wetlands. This is reasonably clear because all provisions for facilities within the shorelines and the Shoreline Vegetation Conservation buffers adjacent to shoreline water bodies are governed by the standards in the SMP.
8.01.02(B)–	Muckleshoot Tribe	09-18-09	56. Page 94, 8.01.02(B), Regulations- There needs to be standards that would increase the 100 foot minimum vegetation conservation buffer beyond just high blowdown and protected slopes. For example, if the regulated shoreline jurisdiction is already forested and the proposed use is not water dependent, then the regulated shoreline jurisdiction should be protected by increasing the 100 foot minimum buffer. Also the buffers should be measured based on the 100 year flood plain where applicable, not the ordinary high water mark.	No revision made. Inundation of the floodplain is infrequent enough that the buffer functions for aquatic species are not measured from the edge of the floodway or floodplain.
8.01.02(D)–	Muckleshoot Tribe	09-18-09	57. Page 94, 8.01.02(D), Alternative Regulations for Single Family Lots- If the City is going to allow individual lots to have reductions (as low as 10 feet) of the vegetation conservation buffers based on lot depth, then these properties should also be required to contribute to a mitigation fund or restoration.	No revision made. The intent of the regulation is to provide a fair contribution to maintaining and enhancing ecological functions based on the practical limitations of lot size and configuration.
8.01.02(J)(3)–	Muckleshoot Tribe	09-18-09	58. Page 97, 8.01.02(J)(3), Regulations- This regulation should be modified to remove the restriction on square footage for the removal of noxious and/or invasive plant species. These species should be removed in their entirety wherever possible and replaced with native species.	Revised to limit the area subject to excavation. Removal by uprooting or chemical treatment has no limit. Excavation of a larger area is allowed but requires a permit.
8.01.02(J)(5)	Muckleshoot Tribe	09-18-09	59. Page 98, 8.01.02(J)(5), Regulations-If existing Single Family Residences that are redeveloped or alternated are allowed to exclude 70% of the trees that would block their existing water views, then they should be required to contribute to a mitigation fund or restoration project to ensure that there is no net loss of shoreline functions and that shoreline restoration requirements will be met.	No revision made. The intent of the regulation is to provide a fair contribution to maintaining and enhancing ecological functions while recognizing the importance to shoreline property owners of maintaining existing visual amenities.
8.01.06.B	Nightingale, Barbara	09-30-09	Section 8.01.06 Vegetation Conservation. B. Standard Vegetation Conservation Buffer Width shall be a minimum 100-foot vegetation management buffer is good. This is consistent with the CAO.	No response needed
8.01.06.C	Nightingale, Barbara	09-30-09	Section 8.01.06 C. Vegetation Conservation Buffer Widths by reach: Seems to allow alternative vegetation conservation for sites implementing water-oriented use and public access. It also seems to refer to a list of alternative buffers in Section D. it would help the reader if Section D was cited rather than using the phrase “the following vegetation buffers...”	The buffers may be reduced for water oriented use
8.01.06.D	Nightingale, Barbara	09-30-09	Section 8.01.06 D. Alternative Vegetated buffer widths and Setbacks for Existing Single Family Lots. This has been revised due to public comment with reduced buffers. The sliding scale buffer and setback concept has promise. However, when it gets down to lots with less than 100 ft depth, the vegetated buffers start to get unacceptably small.	Further discussion with Ecology will be required
8.01.06.D.8	Nightingale, Barbara	09-30-09	Section 8.01.06 D.8. For such lots with a lot depth of less than 100 feet that are served with primary access form a private road, the setback from the edge of the easement may be reduced to ten feet without a variance. This small size buffer would be unacceptable without a variance and application of enhancement to ensure no net loss of ecosystem function.	Further discussion with Ecology will be required

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
8.01.06.E	Nightingale, Barbara	09-30-09	Section 8.01.06 E. Reduction of Vegetation Buffer or Setback Width. 3. This is well-stated . However, the “except where the buffer widths/setbacks are established by Subsection E”, above should include both Subsections D and E. Is it intended that they would have an additional 40% reduction in buffer size on top of the sliding scale reduced buffers based on lot size?	This does not apply if the sliding scale is used
Table 8.01	Nightingale, Barbara	09-30-09	Table 8.01 This is a great tool delineating the buffers or buffer code tools (i.e. alternative veg. buffers by lot depth) that apply to each reach.	No response needed
Table 8.01	Muckleshoot Tribe	09-18-09	60. Page 99, Table 8.01, Vegetation Conservation Standards by Reach, Lake Washington Reach C- It is doubtful that the May Creek delta will be allowed to fully reform without future dredging because of the existing adjacent land uses (Barbee Mil Plat and private moorage).	No revision made. Dredging is not needed as it was in the past for log storage. Natural delta formation can be expected to provide more near-shore habitat and eventually upland.
Table 8.01	Muckleshoot Tribe	09-18-09	61. Page 102, Table 8.01 Vegetation Conservation Standards by Reach, Green River Reach A Areas exempt from meeting the vegetation conservation standards due to railroads should be required to contribute to a mitigation fund or restoration project elsewhere along the Green River.	No revision made. Areas isolated from the water’s edge by existing railroads do not have the ability to provide the beneficial effects of vegetation adjacent to water bodies.
Table 8.01 Cedar River C	High, G	08-18-09	Table 8.01 Cedar River C – Generally ask for further elaboration of what will be required under the phrase “subject to public access set back from the water's edge and limited water oriented use adjacent to the water's edge.”	This relates to specific standards that allow water oriented use closer to the water’s edge and provide guidance for public access. Without these features, the full buffer would be required.
Table 8.01 Black/Springbrook A	High, G	08-18-09	Table 8.01 Black/Springbrook A – Generally ask for further elaboration of what we should expect to be required and what exceptions from the rules will be allowed under “recognizing the constraints of existing transportation and public facilities.”	Oaksdale Avenue is adjacent to the creek and is likely to be a permanent constraint.
Table 8.01	Halinen, David	09-11-09	Table 8.01 Cedar River Reach C Enhancement of native riparian vegetation shall be implemented as part of management of public parks. Full standard native vegetation buffers should be maintained on the public open space on the south side of the river, subject to existing trail corridors and other provisions for public access. Full standard buffers <u>as defined in Table 6.09</u> shall be provided upon redevelopment of the north shore, subject to (a) public access set back from the water’s edge <u>which shall be established within such buffers and</u> (b) limited water oriented use adjacent to the water’s edge <u>which may be established within such buffers..</u>	No revision made. Responded to regarding previous comments about public access and buffer dimensions.
Table 8.01	AC Kindig	09-08-09	This letter comments on ecological conditions based on (1) The existing bulkhead along 79 percent of the river frontage is likely to remain in place. (2) An evaluation of buffer function based on an a judgment as to the extent of enhancement appropriate In addition, a report was submitted entitled “Old Stoneway Site Standard Stream Report, September 11, 2009” See entire letter and accompanying report for full text.	No revision made. The analysis is not relevant because: (1) The existing bulkhead on the site will be required to be removed and replaced with shoreline protection, if needed, that complies with current standards by Section 8.04.02.A- which requires that new development be located and designed to avoid the need for future shoreline stabilization. (2) The standard for development is of the site as provided in WAC 173-26-241(3)(d) “Master programs should prohibit nonwater-oriented commercial uses on the shoreline unless they meet the following criteria: (i) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration...” (3) The substitution of a different buffer for this reach than provided generally is Section 8.010.2 A-B simply substitutes a buffer which benefits one property,

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
				<p>or group of properties, without specific reference to the general standard and is essentially “spot zoning”.</p> <p>(4) The 50 foot buffer is generally about half that which applies to other properties, and specifically the buffer provided for single family development in Subsection D.</p> <p>(5) The 50 foot buffer proposed conflicts with the recommendation of AC Kindig for a 100 foot buffer for all streams under SMP jurisdiction in a Technical Memorandum prepared for the City of Renton Critical Areas regulations in 2003. See http://rentonwa.gov/uploadedFiles/Business/EDNSP/projects/science%20streams.pdf</p> <p>(6) A 50 foot buffer would be less than the 100 foot buffer specified for Type 2 streams in RMC 4-4-50.L.5 and therefore would not meet the statutory standard in RCW 90.58.090(4) that the SMP provide a level of protection of critical areas at least equal to that provided by the local government's critical areas ordinances.</p> <p>(7) Absent a specific development proposal, it is speculative to presume impacts of a development proposal and the adequacy of a specific buffer.</p>
8.02	Futurewise	09-14-09	We recommend adding a standard that landfills and excavation shall not alter the normal flow of floodwater, including obstructions of flood overflow channels or swales.	Added.
8.03.02(C)(1)	Muckleshoot Tribe	09-18-09	62. Page 108, 8.03.02(C)(1), Dredging regulations- Dredging should not be allowed for new developments. They should be designed and located such that dredging is not needed.	No revision made. The Draft code incorporates this.
8.04.02(D)	Muckleshoot Tribe	09-18-09	63. Pages 110-111, 8.04.02(D), Shoreline stabilization:-Each subsection should be modified by adding a requirement that shoreline stabilization is only allowed when a geotechnical analysis demonstrates that erosion from waves or currents is imminently threatening and that damage is expected to occur within three years if the shoreline stabilization is not constructed.	Reference to geotechnical analysis added.
8.03.01	Martin, Larry	09-11-09	<p>8.03.01 Principles</p> <p>Removal of substrate from below the OHWM on streams and lakes can have substantial adverse impacts on geologic and hydraulic mechanisms important to the function of the water body, can disrupt elements of the food chain, and may result in sedimentation and water quality impacts.</p> <p><u>Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.</u></p> <p>Dredging should be prohibited except where public benefits outweigh potential impacts and it is demonstrated that no net loss of ecological functions will occur.</p> <p>[Reason for proposed change: The added language is a direct quote from Department of Ecology (DOE) guidance on shoreline master programs (See Attachment 1).</p> <p>The proposed deletion is required to recognize that actions needed to prevent loss of private benefits such as water access to privately owned shoreline lots and docks can serve as the basis to allow dredging—not only</p>	<p>Minor change made.</p> <p>The overall public interest is the primary objective cited in RCW 90.58 which provides:</p> <p><u>“In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures...”</u></p> <p>The enjoyment of benefits of access to private docks does not have substantial standing when compared to the damage to the natural environment from dredging.</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			public benefit.]	The stronger standing for avoidance of dredging in the Cedar River and May Creek deltas and the nearshore areas of Renton is based on the extreme sensitivity of the nearshore for a critical lifestage of Chinook Salmon and general importance of to ecological functions.
8.03.02.A.1	Martin, Larry	09-11-09	<p>8.03.02 Regulations</p> <p>A. Dredging is permitted only in cases where the proposal, including any necessary mitigation, will result in no net loss of shoreline ecological functions and is limited to the following:</p> <p>1. Establishing, expanding, relocating or reconfiguring navigation channels designated by the US Coast Guard where necessary to assure safe and efficient accommodation of existing navigational uses. Maintenance dredging of established navigation channels and basins shall be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.</p> <p>[Reason for proposed change: The deleted language is too restrictive. Coast Guard designation is not a factor identified in the relevant portion of the DOE guideline which states:</p> <p><i>“Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins should be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.”</i> (See Attachment 1).]</p>	<p>Minor change to delete the reference to Coast Guard.</p> <p>The reference in WAC 173-26-232(3)(f) to “Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.”</p> <p>The specific reference to authorized location, depth and width is a clear reference to a channel authorized by the Corps of Engineers under 33 USC 2000-2300. <u>A</u> alternatively, it may refer to improvements authorized under RCW 388.32 River and harbor improvements.</p> <p>This reference is not to any informal navigation route but to a formally established navigation channel.</p>
8.03.02.A.6	Martin, Larry	09-11-09	<p>6. Maintenance dredging of existing legally established boat moorage slips including public and commercial moorage and moorage accessory to single family residences, provided that deepening beyond the conditions present when the moorage was established is prohibited, <u>and in the absence of evidence of such conditions</u>. Ddredging may not be permitted to provide a draft for private boats in excess of three (3) feet. Dredging may be disallowed to maintain depths of existing private moorage where it may adversely affect ecological functions and where alternatives such as utilization of shallow draft access to mooring buoys is feasible.</p> <p>[Reason for proposed change: The purpose of maintenance dredging is to preserve navigability and historical water access to shorelines. The DOE guidelines do not require that owners of shoreline property, moorage facilities and boats that are not “shallow draft” such as sailboats or larger boats with typical keel depth abandon the right to use that property. The relevant portion of the DOE guideline states:</p> <p><i>“Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width”.</i> (See Attachment 1).]</p>	<p>Minor change made.</p> <p>The Shoreline Management Act statement of policy in RCW 90.58.020 clearly provides a higher priority for “prevention of damage to the natural environment” as compared to alterations of natural processes such as delta formation as compared to providing for appurtenances to single family residences.</p> <p>There is no right to dredge to preserve navigation to a private dock in the face of natural processes that change the configuration of the water body.</p> <p>The act includes “those limited instances when authorized” which clearly provides discretion as to the circumstances under which alternation of natural processes may be permitted.</p>
8.03.02.B.	Martin, Larry	09-11-09	<p>B. Dredging is prohibited in the following cases:</p> <p>1. Dredging is prohibited within the deltas of the Cedar River and May Creek</p>	<p>Minor change made.</p> <p>It is clearly the purpose of the local SMP and the Inventory/Characterization to</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			<p>except for purposes of ecological restoration, for public flood control projects, or for water dependent public facilities</p> <p>[Reason for proposed change: Dredging is tightly restricted by the proposed regulations. It is highly regulated by federal agencies and permitting that is required in addition to Renton permitting. A prohibition is not required by the DOE guideline. It is not consistent with regulations and policies of other jurisdictions (See Attachment 2). If the prohibition is retained, at a minimum, the exceptions to the prohibition should include “maintenance dredging consistent with Section 8.03.02 (A)(6)”.]</p>	<p>identify local resources requiring a higher level of protection.</p> <p>The importance of the near shore to Chinook Salmon has been well documented in the Inventory/Characterization. The importance of restoration of the Cedar River and May Creek deltas are also documented in the <i>Final Lake Washington/Cedar/Sammamish/ Watershed</i> (WRIA 8) <i>Chinook Salmon Conservation Plan</i>. The following are <i>Conservation Plan goals</i> through the following projects:</p> <p>C268 Modifying Cedar River Delta to create more shallow water habitat</p> <p>C277 Restoration of mouth of May Creek.</p> <p>The May Creek Basin Action Plan states “In the event that the mill property on the May Creek Delta redevelops in the future, opportunities to enhance May Creek habitat and reduce the need for maintenance dredging should be explored. Although a feasibility study of this option has not been undertaken, it is possible that modifying the May Creek channel could reduce the need for maintenance dredging and provide a unique opportunity to establish an improved habitat area within the lakeshore commercial area, allowing the realization of environmental and economic benefits.”</p>
8.03.02.B.4.	Martin, Larry	09-11-09	<p>4. Maintenance dredging is prohibited for facilities established for water dependent uses in cases where the primary use is discontinued unless the facility meets all standards for a new water dependent use.</p> <p>[Reason for proposed change: The deleted language is ambiguous and may be inconsistent with Renton nonconforming use/structure regulations. Nonconformances should be regulated by one set of regulations rather than multiple conflicting regulations.]</p>	<p>This provision has been slightly modified.</p> <p>It is reasonable that maintenance of conditions for a water-dependent use may not be continued if the use is discontinued.</p> <p>This provision is not complex or confusing.</p>
8.03.02.C.8.c	High, G	08-18-08	8.03.02.C.8.c Allowance of temporary stockpiling appears to conflict with 8.03.02.C.8.e. Why is this exception proposed to be allowed? Shouldn't there be comparable impact limitations for temporary as for permanent?	Criteria limit this considerably. There may be cases when this is needed.
8.03.02.C.8.b.	Martin, Larry	09-11-09	<p>b.. Dredged material shall not be deposited in a lake, stream, or marine waters except if approved as <u>habitat enhancement or other beneficial environmental mitigation when the requirements of RMC 4-19-197 C (16) have been satisfied or</u> part of a contamination remediation project approved by appropriate State and/or Federal agencies or is approved in accordance with the Puget Sound Dredged Disposal Analysis (PSDDA) evaluation procedures for managing in-water disposal of dredged material by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 10 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits, and Washington State Department of Fish and Wildlife Hydraulic Project Approval (HPA).</p> <p>[Reason for proposed change: The regulations should not preclude use of dredged material such as clean sand and gravel in shoreline habitat enhancement projects not associated with remediation of regulated contamination. RMC 4-19-197 C (16) exempts the following from the requirement to obtain a substantial development permit:</p>	<p>Added habitat restoration text.</p> <p>The provisions of RMC 4-19-197 C (16) refer only to an exemption to Shoreline Substantial Development Permits and are more restrictive than needed.</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			<p><i>“16. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:</i></p> <p><i>a. The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose.</i></p> <p><i>b. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to chapter 75.20 RCW.</i></p> <p><i>c. The Development Services Division has determined that the project is consistent with this Master Program.”]</i></p>	
8.03.02.C.8.f.	Martin, Larry	09-11-09	<p>f. Dredging not associated with maintenance of existing facilities, water dependent uses, <u>habitat enhancement; a remedial action plan approved under authority of the Model Toxics Control Act, or pursuant to other authorization by the Department of Ecology, U.S. Army Corps of Engineers, or other agency with jurisdiction</u>, or public recreation facilities or uses shall require a Shoreline Conditional Use.</p> <p>[Reason for change: Within Renton multiple environmentally degraded and/or contaminated shoreline sites have been identified. Remediation of these sites is highly encouraged and regulated by state and federal agencies. The added requirement of obtaining a Renton shoreline conditional use permit would not enhance environmental protection and would only add additional unnecessary process, delay and expense to environmentally beneficial, costly remedial actions.]</p>	<p>Added reference to ecological restoration or enhancement and MTCA.</p> <p>Actions authorized by the USACE do not necessarily meet the broader criteria of the Shoreline Management Act or the local SMP.</p>
8.04.02(E)	Futurewise		<p>Regulation A in Section 8.04.02 is a general standard and we recommend that it be moved to the General Standards section. The stabilization section will typically only be used when stabilization is proposed, yet regulation A applies to ALL development, whether or not stabilization is proposed. It is the first step in mitigation sequencing – avoidance.</p>	<p>No revision made.</p> <p>This provision is directly focused on shore stabilization</p>
8.04.02(E)	Muckleshoot Tribe	09-18-09	<p>64. Page 112, 8.04.02(E), Existing shoreline stabilization-This regulation needs to be changed to allow existing shoreline stabilization structures stabilization is not the result of only when the erosion is not being caused by upland conditions, such as the loss of vegetation and drainage and a geotechnical analysis demonstrates that erosion from waves or currents is imminently threatening and that damage is expected to occur within three years if the shoreline stabilization is not constructed.</p>	<p>No revision made.</p> <p>This text is almost identical to WAC 173-26-.</p>
8.04.02(F)	Muckleshoot Tribe	09-18-09	<p>65. Page 112, 8.04.02(F), Geotechnical report requirements-This regulation is good; however, the sections that precede it do not necessarily require that a geotechnical report be completed. Also, if there are any differences between a geotechnical analysis and a geotechnical report, it should be noted in this section, or one common term should be used.</p>	<p>Additional reference to geotechnical analysis added.</p> <p>A report documents the results of the analysis.</p>
8.04.02(M)(4)	Muckleshoot Tribe	09-18-09	<p>66. Page 114, 8.04.02(M)(4), shoreline stabilization, revetments-This regulation needs to be clarified because the term "low, inner-most channel banks" is unknown and it is not clear that there are any commercial farmsteads within Renton's shoreline jurisdiction.</p>	<p>Revised.</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
8.04.02(E)	Douglas, David	08-12-09	<p>16) 8.04.02(E) Shoreline Stabilization- Regulations- Replacement of an existing structure Shoreline stabilization, specifically the replacement of existing structures, is one of the most controversial issues experienced during the SMP Updates. In many cases, DOE has pushed for the total removal of bulkheads with few exceptions when it comes time to conduct major repair or replacement, even when improvements or "no net loss of shoreline ecological functions" is evident. WAC 173-26-231 has taken the step to classify replacement bulkheads as "new", a classification waterfront property owners, marine contractors, many professional biologists and local and regulatory agency staff (unofficially of course), and most neutral people disagree with.</p> <p>This single issue has resulted in some jurisdictions taking extreme stands against the repair and replacement of existing bulkheads, even when they are done in a more environmentally friendly design. A repair involving a certain percentage or length of an existing bulkhead or a single toe rock is being declared as a major repair or replacement and placing it under the classification of "new". This has infuriated waterfront property owners with existing bulkheads and may become a point of legal action in the future for local governments and DOE. This is an area where there has been absolutely no flexibility on the part of the Agency in working with property owners and the science being used to support this extreme approach has plenty of questions and gaps that are not being addressed.</p> <p>Although I understand the need for local governments to accept "state" definitions in updating an SMP, it is also appropriate for local government and citizen to question and even challenge these terms if they are distorted in order to support a resulting action.</p> <p>Please think about the following definitions from reliable and broadly accepted sources (e.g. Merriam Webster and Dictionary.com) when you are reviewing areas of the SMP update related to work involving existing structures:</p> <p>New- having recently come into existence or use; what is freshly made and unused; or has not been known before or not experienced before;</p> <p>Replacement- to restore to a former place or position; to take the place of especially as a substitute or successor; to put something new in the place of; implies a filling of a place once occupied by something lost, destroyed, or no longer usable or adequate; to assume the former role, position, or function of; substitute for (a person or thing);</p> <p>Repair- to restore to a sound or healthy state</p> <p>It is hard to dispute that a replacement or repair of an existing bulkhead (or pier) is distinct from a totally new and previously nonexistent structure.</p> <p>Section 8.040.02(E) allows for the replacement of an existing shoreline stabilization structure with a similar structure if there is a demonstrated need to protect principle uses or structures from erosion caused by currents or waves. It also takes wording verbatim from the WAC which states, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing legally established structure which can no longer adequately serve its purpose.</p> <p>How can demonstrated need be adequately evaluated or documented if there is a structure in place that has been providing protection from erosion in the past? This would strictly be conjecture on the part of a geotechnical engineer or anyone else forecasting future erosion rates and an inability to foretell future storm events. Except in the most obvious cases, it will be difficult to find a professional engineer willing to risk reputation or professional integrity on "confirming" there is a significant possibility that a structure will be damaged within three years.</p>	<p>No revision made.</p> <p>A qualified geotechnical engineer can calculate erosion rates based on hydraulic models for streams and based on wave energy for lakes.</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
8.04.02(E)	Douglas, David	08-12-09	<p>Bulkhead replacement, typically using riprap that is battered (laid back) toward the upland result in a softer approach than existing rock and concrete structures and clearly result in a “no net loss of shoreline ecological functions”. They are installed at or behind the footprint of the existing bulkhead and nearshore fill is installed to provide shallow nearshore habitat for fish. This is listed as preference number 3 under 8.08.02(B) of the proposed draft.</p> <p>Section 8.04.02(D) lists requirements for “new” structural stabilization which is credible in an attempt to prevent more bulkheads along the shoreline but Section 8.04.02(E) lists different criteria for the replacement of existing structures.</p> <p>Based on the current design of riprap bulkheads used for repair or replacement of existing structures all criteria in this section 8.04.02(E) are met including:</p> <ol style="list-style-type: none"> 1. They meet preference 3 of Subsection B 2. They are designed, located, sized, and constructed to assure a no net loss of ecological functions, 3. They are never installed further waterward of the ordinary high-water mark or existing structure and are often installed behind the existing structure, 4. The existing structure is always removed to assure a no net loss of ecological functions is achieved and Exceeded, 5. Replenishment or installing new substrate materials in a size and mixture recommend by the WA Department of Fish and Wildlife is a part of every project to provide shallow nearshore fish habitat. <p>NOTE: A planting plan of native vegetation is installed on all bulkhead projects. Authorizing the replacement of existing bulkheads will accelerate the rate at which native plants are installed along the shoreline much faster than waiting for property owners to allow existing bulkheads to fail and encourage substandard or impacting repair using self help or renegade contractors outside the permit process.</p> <p>It seems the City of Renton is trying to accommodate the repair and replacement of existing bulkheads with similar structures as long as the City can document that “no net loss” is achieved. If that is the case your intentions are recognized and applauded. If my interpretation of this section is mistaken please explain the City's position in clear terms for someone who wants to repair or replace an existing bulkhead with a similar structure proposed in a better design and which reflect “no net loss” through practical and reasonable review and evaluation.</p>	<p>No change made.</p> <p>Riprap would be considered “hard armoring” and would be allowed only if no alternatives are feasible.</p> <p>The criteria of “no net loss” of ecological functions is not relevant in this case because the whole point of replacing existing hard armoring is to avoid the ecological impacts they cause.</p>
	Douglas, David	08-12-09	FINAL NOTE: Thank you for including boatlifts as a listed use in the Updated SMP. This will save property owner and the City time and expense associated with a Conditional Use Permit. This same consideration as mentioned earlier is requested for mooring piles.	No response needed.
8.04.02.K	High, G	08-18-09	8.04.02.K Are there any areas that fit the criteria currently known? Is an investigation/inventory appropriate now? If not, when? Should such and inventory and program be implemented before the identified work can be authorized under this code?	This would be desirable on most reaches. A program to identify such areas and make such proposals would be a good future action. This also would be more likely to be successful if public funds were available to subsidize the cost.
8.05.02(A)(1)	Muckleshoot Tribe	09-18-09	67. Page 115, 8.05.02(A)(1), Flood Control-We would appreciate a copy of the comprehensive flood control plan for Springbrook Creek that would apply to flood control projects authorized by the SMP. The stream is not identified in the 2006 King County Flood Hazard Management Plan.	We are not aware that either the City or the Drainage Control District has prepared a flood control plan for Spingbrook Creek. The City has a floodplain study that can be supplied.
8.07	Muckleshoot Tribe	09-18-09	68. Page 116, 8.07, Stream Alterations- Streams, rivers, and creeks within regulated shoreline jurisdictions should not be altered unless it is for restoration purposes and there should be no net loss of habitat and habitat area.	<p>No change made</p> <p>Stream alterations may be allowed only if there is no feasible alternative.</p> <p>All permit reviews are subject to the no net loss criteria.</p>
4-9-197-C.3.a	Martin, Larry	09-11-09	<p>4-9-197 SHORELINE PERMITS</p> <p>C. EXEMPTIONS FROM PERMIT SYSTEM:</p> <p>The following shall not be considered substantial developments for the purpose of this Master Program and are exempt from obtaining a Shoreline Substantial Development Permit (SSDP) . An exemption from a SSDP is</p>	<p>No change made.</p> <p>Actions that are not “Substantial Development” are defined by RCW 90.58.030(3)(e) and are not appropriate for modification in the local SMP.</p> <p>Maintenance dredging has the potential for substantial loss of ecological functions</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			<p>not an exemption from compliance with the Act or this Program, or from any other regulatory requirements.</p> <ol style="list-style-type: none"> Any project with a certification from the Governor pursuant to chapter 80.50 RCW. Any development of which the total cost or fair market value does not exceed five thousand dollars (\$5,000.00), if such development does not materially interfere with the normal public use of the water or shorelines of the State. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. <ol style="list-style-type: none"> “Normal maintenance” includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition, including maintenance dredging in conformance with Section 8.03.02 (A)(6) when approved by all applicable state and federal agencies. <p>[Reason for proposed change: Dredging is highly regulated by federal and state agencies. Permitting literally takes years, involves detailed studies and mitigation and costs hundreds of thousands of dollars. Permitting for past and future maintenance dredging of May Creek sedimentation has substantially exceeded the cost of the work itself. Nothing would be added by requiring the additional step of a Renton Shoreline Substantial Development Permit. If the permit is required, at a minimum the provisions in the Master Program that place burdens of proof upon the applicant should be deemed to be satisfied by evidence that applicable federal and state permits have been obtained, and additional conditions should not be placed on the federal and state approvals by the City.]</p>	<p>and is not appropriate for inclusion.</p> <p>Dredging of May Creek in particular has the potential of interrupting natural processes of deposition that were interrupted in the past and has the potential for continuing substantial ecological degradation.</p> <p>It is also clearly contrary to the intent of the Shoreline Management Act as provided in RCW 90.58.020 to allow dredging which would clearly damage the natural environment, for the sole benefit of a few individuals enjoyment of an appurtenance to a single family dwelling.</p>
	Martin, Larry	09-11-09	<p>b. “Normal repair” means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to the shoreline resource or environment.</p> <p>c. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.</p> <p>Proposed new section:</p> <p><u>Maintenance dredging authorized by Section 8.03.02 for which all required state and federal approvals have been obtained shall not be subject to the provisions of RMC 4-4-060 Grading, Excavation And Mining Regulations.</u></p> <p>[Reason for proposed change: As a matter of literal interpretation, dredging activities have been determined to fall within the scope of Renton’s grading, excavation and mining regulations. In the case of dredging within shoreline areas regulated by extensive federal and state regulations, as well as Renton’s Shoreline Master Program, additional regulation under this section is not warranted and does not add meaningful regulatory oversight. Note, a change to the text of Section 8.03.02 to implement this exemption should also be made.]</p>	<p>No change made.</p> <p>There is no authority provided in the Shoreline Master Program to amend the clearing and grading code.</p> <p>As established by responses above, it is not in the public interest to have dredging that may result in substantial environmental degradation to proceed without review.</p>
4-9-197(C)(5)	Muckleshoot Tribe	09-18-09	69. Page 119, 4-9-197(C)(5), Emergency actions- This regulation should be modified to require mitigation if emergency actions result in adverse environmental impacts.	This is the exemption as provided by the statute
4-19-97	Muckleshoot	09-18-09	70. Page 122,4-19-97 (C)(14), Shoreline Exemptions, Aquatic Noxious Weeds- This regulation should require	This is the exemption as provided by the statute

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
(C)(14)፡	Tribe		compliance with State aquatic noxious plant removal requirements, including alternatives to herbicides and application by licensed professionals.	
4-19-97(C)(16)(c)፡	Muckleshoot Tribe	09-18-09	71. Page 122, 4-19-97(C)(16)(c), Shoreline Exemptions, Projects to improve fish passage and habitat-These projects will also likely need a Corps permit in addition to an HP-A.	Correct. Does not require change in SMP
4-9-197.C.18	High, G	08-18-09	4-9-197 C.18 Shorelines naturally shift. How are the consequences of stream migration addressed? The path of the Cedar River today is not what it was 100 years ago and sections of it are not even what it was 15 years ago. I am uncomfortable with this subsection without significantly more detailed definition.	This applies only to a restoration project.This provision was added by House Bill 2199, 61st Legislature, 2009 Regular Session, Effective date 7/26/2009.
	Martin, Larry	09-11-09	<p>4-9-197 SHORELINE PERMITS</p> <p>F. REVIEW CRITERIA:</p> <p>4. Burden of Proof on Applicant: The burden of proving that the proposed substantial development is consistent with the criteria which must be met before a permit is granted shall be on the applicant, <u>provided that in the case of maintenance dredging that conforms to the terms and conditions of unexpired federal and state permits approving the dredging, conformance with such terms and conditions shall be deemed to constitute proof that the activity properly avoids or minimizes significant ecological impacts, and in the case of impacts which cannot be avoided, that such impacts will be mitigated in a manner that assures no net loss of shoreline ecological functions.</u></p> <p>[Reason for proposed change: Dredging is highly regulated by federal and state agencies. Permitting literally takes years, involves detailed studies and mitigation and costs hundreds of thousands of dollars. Permitting for past and future maintenance dredging of May Creek sedimentation has substantially exceeded the cost of the work itself. Nothing would be added by placing the additional burden upon the applicant of re-justifying the proposed activity. Note, if the requirement of a substantial development permit is eliminated in the case of federally and state approved maintenance dredging as we propose, this change is still required because the project must still meet all requirements of Renton’s SMP even though a permit is not required. This change would allow the applicant to be deemed to satisfy the identified requirements through the federal and state permit terms and conditions.]</p>	<p>No change made.</p> <p>There is no rationale for exempting an activity such as maintenance dredging from the burden of demonstrating compliance, except the conclusion that the activity cannot be demonstrated to meet the relevant criteria.</p> <p>The notion that having a permit in hand is proof of lack of ecological impact presumes both that the analysis took place and that the criteria were the same.</p> <p>In fact, the criteria in the Shoreline Management Act are much broader than the Endangered Species Act or Clean Water Act.</p> <p>In the case of the Barbee Mill Boathouse, the conclusion reached was a relatively narrow one that “the action as proposed is not likely to jeopardize the continued existence of Puget Sound Chinook salmon and Puget Sound steelhead...” This is not the same as “proof that the activity avoids or mitigates ecological impacts.”</p> <p>It also does not address the central issue of whether it is in the public interest to allow the re-establishment of a natural process that has been identified in numerous studies to be beneficial to the ecology of Lake Washington.</p>
	Martin, Larry	09-11-09	<p>J. TIME REQUIREMENTS FOR SHORELINE PERMITS:</p> <p>1. Applicability and Modification at Time of Approval:</p> <p>a. The time requirements of this Section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized under this Program, <u>provided that in the case of maintenance dredging approved by all applicable state and federal agencies, time requirements of this Section, including time periods for commencement of the activity, completion of the activity and duration of the approval, shall be as provided in such state and federal permits.</u></p> <p>[Reason for proposed change: Maintenance dredging is by its nature an ongoing activity, the frequency and duration of which is dictated by weather, stream flow, erosion caused by upstream existing and future development and other factors that are not subject to artificial time deadlines and that are out of the applicant’s control. The high degree of investment of time and money required to obtain federal and state permits for this activity should not be devalued by imposition of time constraints that have not been determined in the context</p>	<p>No change made.</p> <p>There is clearly no statutory authority to alter the provision for expiration of permits in RCW 90.58.143. There is especially no basis to substitute completely unrelated federal statutes for the provisions of this state statute.</p> <p>The central issue is not whether it is difficult or easy for an applicant to meet permit timelines but whether the activity is a good idea.</p> <p>The preponderance of scientific evidence supports the conclusion that dredging the delta of May Creek would continue to foreclose the opportunity to (in the words of the May Creek Basin Action Plan) “provide a unique opportunity to establish an improved habitat area within the lakeshore.”</p>

Renton Shoreline Master Program – Comments on the July 22, 2009 Draft SMP with Responses				
Code Section 07-22-09	Commenter	Date	Comment	Response
			of the facts and analysis presented in those detailed state and federal processes.]	
4-10-095(G);	Muckleshoot Tribe	09-18-09	72. Page 131, 4-10-095(G), Non-conforming uses- These regulations appear to conflict with the requirements in Table 6.09 and would allow more impacts to the regulated shoreline jurisdiction than Table 6.09.	No change made. These regulations are designed to provide <u>partial</u> compliance with the regulations in Table 6.09 and 8.01 with <u>partial</u> improvements or expansions to existing development. It is designed to accomplish incremental improvements rather than an “all or nothing” approach.
	Martin, Larry	09-11-09	<p>4-10-095 SHORELINE MASTER PROGRAM – NONCONFORMING USES, ACTIVITIES, AND STRUCTURES:</p> <p>A shoreline use or development which was lawfully constructed or established prior to the effective date of the applicable Shoreline Master Program, or amendments thereto, but which does not conform to present regulations or standards of the program, may be continued provided that:</p> <p>A. Nonconforming Structures: Nonconforming structures shall be governed by<u>subject to regulations set forth in RMC -Chapter 4-10.-050.</u></p> <p>[Delete remainder of section]</p> <p>[Reason for change: The proposed regulations are too complex and confusing to be understood by waterfront owners. They will be very cumbersome to administer. The City has experience administering its existing regulations. A single set of regulations for all nonconformances should govern whether the structure, use or lot is inside or outside of the shoreline zone.]</p>	<p>No change made.</p> <p>These regulations are designed to provide <u>partial</u> compliance with the regulations in Table 6.09 and 8.01 with <u>partial</u> improvements or expansions to existing development. It is designed to accomplish incremental improvements rather than an “all or nothing” approach.</p> <p>The staff and property owners will be able to understand and administer the code without substantial problems.</p>